

Senator Curtis S. Bramble proposes the following substitute bill:

REVISIONS TO REDEVELOPMENT AGENCY

PROVISIONS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: John Dougall

LONG TITLE

General Description:

This bill modifies and reorganizes provisions relating to redevelopment agencies.

Highlighted Provisions:

This bill:

- ▶ rewrites and reorganizes redevelopment agency provisions and repeals and amends existing provisions, repeals some provisions, and enacts some provisions;
- ▶ changes terminology from redevelopment agency to community development and renewal agency and from redevelopment to urban renewal;
- ▶ eliminates education housing development as one of the types of projects that an agency may undertake;
- ▶ authorizes agencies to undertake community development;
- ▶ modifies some definitions and adds new definitions that are applicable to community development and renewal agencies;
- ▶ provides that actions taken under community development and renewal statutory provisions are not subject to land use statutory provisions;
- ▶ authorizes an agency to change its name;
- ▶ authorizes a county, city, or town to authorize an agency to conduct activities in a



- 26 project area that includes an area within the boundaries of the county, city, or town;
- 27 ▶ eliminates a notice requirement before a public entity may become obligated to
- 28 make required improvements in connection with a project area plan;
- 29 ▶ clarifies that a public entity's grant or contribution of funds to an agency is not
- 30 subject to provisions relating to municipal appropriations and acquisitions and
- 31 disposals of property;
- 32 ▶ modifies publication of notice requirements relating to the sale or other disposition
- 33 of agency property;
- 34 ▶ authorizes agencies to receive and use sales tax from other taxing entities, in
- 35 addition to tax increment;
- 36 ▶ authorizes an agency undertaking a community development project to negotiate
- 37 with other taxing entities and to receive tax increment and sales tax revenues from
- 38 those other entities as those other entities agree;
- 39 ▶ modifies the applicability of a requirement to create a taxing entity committee so
- 40 that it applies only to urban renewal and economic development projects;
- 41 ▶ modifies the number of taxing entity committee members needed for the committee
- 42 to take action;
- 43 ▶ authorizes an agency to call a meeting of the taxing entity committee and imposes
- 44 requirements on the notice that must be sent to do so;
- 45 ▶ prohibits a taxing entity committee from voting on a proposed urban renewal or
- 46 economic development budget or budget amendment at the first meeting to consider
- 47 the budget or amendment unless all members present consent;
- 48 ▶ prohibits a second meeting on a budget or budget amendment from being within a
- 49 certain number of days after the first meeting;
- 50 ▶ requires a taxing entity committee to meet annually;
- 51 ▶ replaces the county assessor with the county auditor in a provision requiring a
- 52 written report to the taxing entity committee;
- 53 ▶ enacts language allowing additional tax increment to be used under a pre-July 1,
- 54 1993 project area plan for a convention center or sports complex if construction of
- 55 the center or complex has begun before June 30, 2002;
- 56 ▶ provides that an agency may, in a budget adopted after the effective date of this bill,

- 57 provide for the agency to be paid any amount of tax increment and for any period of time,
58 subject to taxing entity committee approval;
- 59 ▶ modifies limitations on the use of tax increment involving the development of retail
60 sales;
 - 61 ▶ provides for the permissible uses of sales tax received by an agency;
 - 62 ▶ modifies a prohibition against using tax increment for a stadium or arena;
 - 63 ▶ modifies a provision allowing an agency to pay agency funds to other taxing entities
64 to allow a taxing entity to withhold its portion of tax increment used to pay other
65 taxing entities if the agency does not pay all taxing entities proportionally equal
66 amounts;
 - 67 ▶ requires the value of property with respect to which a taxing entity receives taxes or
68 increased taxes for the first time to be counted as new growth;
 - 69 ▶ repeals provisions relating to relocation plans for families and persons displaced
70 from a project area;
 - 71 ▶ shortens the time for a person to contest a project area plan or budget;
 - 72 ▶ eliminates a provision prohibiting implementation of a project area plan after three
73 years unless the plan is readopted;
 - 74 ▶ modifies provisions relating to a challenge of a finding of blight;
 - 75 ▶ modifies provisions relating to an amendment of a project area plan;
 - 76 ▶ narrows a provision prohibiting the adoption of a budget that exceeds certain limits
77 to apply to only urban renewal projects;
 - 78 ▶ modifies a provision relating to the waiver of a requirement that a percentage of tax
79 increment funds be used for housing;
 - 80 ▶ modifies a provision defining blight;
 - 81 ▶ modifies the requirements applicable to a blight study;
 - 82 ▶ modifies the standards that apply to a district court review of a finding of blight;
 - 83 ▶ modifies the hearings required for an urban renewal and economic development
84 project;
 - 85 ▶ modifies the class of property owners to which notice is required to be given;
 - 86 ▶ modifies provisions relating to notice that an agency is required to provide;
 - 87 ▶ establishes separate provisions for urban renewal, economic development, and

- 88 community development with respect to plan adoption, requirements, and amendments;
- 89 ▶ repeals provisions relating to property owner participation in development in a
- 90 project area;
- 91 ▶ repeals a provision limiting the size of a project area;
- 92 ▶ repeals a provision requiring the preparation of a statement of property owner
- 93 rights;
- 94 ▶ repeals a provision prohibiting an agency from acquiring property on which an
- 95 existing building is to be continued on its present site and in its present form unless
- 96 certain conditions are met; and
- 97 ▶ makes technical changes.

98 **Monies Appropriated in this Bill:**

99 None

100 **Other Special Clauses:**

101 None

102 **Utah Code Sections Affected:**

103 **AMENDS:**

- 104 **9-4-704**, as last amended by Chapter 90, Laws of Utah 2004
- 105 **10-3-1303**, as last amended by Chapter 133, Laws of Utah 2001
- 106 **11-25-2**, as enacted by Chapter 276, Laws of Utah 1977
- 107 **11-25-3**, as last amended by Chapter 133, Laws of Utah 2001
- 108 **11-25-5**, as last amended by Chapter 105, Laws of Utah 2005
- 109 **11-25-11**, as last amended by Chapter 133, Laws of Utah 2001
- 110 **11-27-2**, as last amended by Chapter 131, Laws of Utah 2003
- 111 **17A-1-403**, as last amended by Chapter 131, Laws of Utah 2003
- 112 **59-2-906.1**, as last amended by Chapter 195, Laws of Utah 2005
- 113 **59-2-924**, as last amended by Chapters 217 and 244, Laws of Utah 2005
- 114 **63F-1-507**, as renumbered and amended by Chapter 169 and last amended by Chapter
- 115 233, Laws of Utah 2005
- 116 **67-1a-6.5**, as enacted by Chapter 233, Laws of Utah 2005

117 **ENACTS:**

- 118 **17C-1-104**, Utah Code Annotated 1953

- 119 **17C-1-405**, Utah Code Annotated 1953
- 120 **17C-1-406**, Utah Code Annotated 1953
- 120a **Ĥ→ 17C-1-414, Utah Code Annotated 1953 ←Ĥ**
- 121 **17C-1-607**, Utah Code Annotated 1953
- 122 **17C-3-101**, Utah Code Annotated 1953
- 123 **17C-3-102**, Utah Code Annotated 1953
- 124 **17C-3-103**, Utah Code Annotated 1953
- 125 **17C-3-104**, Utah Code Annotated 1953
- 126 **17C-3-105**, Utah Code Annotated 1953
- 127 **17C-3-106**, Utah Code Annotated 1953
- 128 **17C-3-107**, Utah Code Annotated 1953
- 129 **17C-3-108**, Utah Code Annotated 1953
- 130 **17C-3-109**, Utah Code Annotated 1953
- 131 **17C-3-201**, Utah Code Annotated 1953
- 132 **17C-3-202**, Utah Code Annotated 1953
- 133 **17C-3-203**, Utah Code Annotated 1953
- 134 **17C-3-204**, Utah Code Annotated 1953
- 135 **17C-3-205**, Utah Code Annotated 1953
- 136 **17C-3-301**, Utah Code Annotated 1953
- 137 **17C-3-302**, Utah Code Annotated 1953
- 138 **17C-3-303**, Utah Code Annotated 1953
- 139 **17C-3-401**, Utah Code Annotated 1953
- 140 **17C-3-402**, Utah Code Annotated 1953
- 141 **17C-3-403**, Utah Code Annotated 1953
- 142 **17C-3-404**, Utah Code Annotated 1953
- 143 **17C-4-101**, Utah Code Annotated 1953
- 144 **17C-4-102**, Utah Code Annotated 1953
- 145 **17C-4-103**, Utah Code Annotated 1953
- 146 **17C-4-104**, Utah Code Annotated 1953
- 147 **17C-4-105**, Utah Code Annotated 1953
- 148 **17C-4-106**, Utah Code Annotated 1953
- 149 **17C-4-107**, Utah Code Annotated 1953

- 150 **17C-4-108**, Utah Code Annotated 1953
- 151 **17C-4-201**, Utah Code Annotated 1953
- 152 **17C-4-202**, Utah Code Annotated 1953
- 153 **17C-4-203**, Utah Code Annotated 1953
- 154 **17C-4-204**, Utah Code Annotated 1953
- 155 **17C-4-301**, Utah Code Annotated 1953
- 156 **17C-4-302**, Utah Code Annotated 1953
- 157 **17C-4-401**, Utah Code Annotated 1953
- 158 **17C-4-402**, Utah Code Annotated 1953

159 RENUMBERS AND AMENDS:

- 160 **17C-1-101**, (Renumbered from 17B-4-101, as enacted by Chapter 133, Laws of Utah
- 161 2001)
- 162 **17C-1-102**, (Renumbered from 17B-4-102, as last amended by Chapter 292, Laws of
- 163 Utah 2005)
- 164 **17C-1-103**, (Renumbered from 17B-4-105, as last amended by Chapter 292, Laws of
- 165 Utah 2005)
- 166 **17C-1-201**, (Renumbered from 17B-4-201, as last amended by Chapter 233, Laws of
- 167 Utah 2005)
- 168 **17C-1-202**, (Renumbered from 17B-4-202, as last amended by Chapter 292, Laws of
- 169 Utah 2005)
- 170 **17C-1-203**, (Renumbered from 17B-4-203, as enacted by Chapter 133, Laws of Utah
- 171 2001)
- 172 **17C-1-204**, (Renumbered from 17B-4-204, as enacted by Chapter 133, Laws of Utah
- 173 2001)
- 174 **17C-1-205**, (Renumbered from 17B-4-205, as enacted by Chapter 133, Laws of Utah
- 175 2001)
- 176 **17C-1-206**, (Renumbered from 17B-4-206, as last amended by Chapter 292, Laws of
- 177 Utah 2005)
- 178 **17C-1-207**, (Renumbered from 17B-4-103, as enacted by Chapter 133, Laws of Utah
- 179 2001)
- 180 **17C-1-208**, (Renumbered from 17B-4-104, as enacted by Chapter 133, Laws of Utah

181 2001)
182 **17C-1-301**, (Renumbered from 17B-4-301, as enacted by Chapter 133, Laws of Utah
183 2001)
184 **17C-1-302**, (Renumbered from 17B-4-302, as last amended by Chapter 205, Laws of
185 Utah 2002)
186 **17C-1-303**, (Renumbered from 17B-4-303, as enacted by Chapter 133, Laws of Utah
187 2001)
188 **17C-1-401**, (Renumbered from 17B-4-1001, as last amended by Chapter 205, Laws of
189 Utah 2002)
190 **17C-1-402**, (Renumbered from 17B-4-1002, as last amended by Chapter 292, Laws of
191 Utah 2005)
192 **17C-1-403**, (Renumbered from 17B-4-1003, as last amended by Chapter 292, Laws of
193 Utah 2005)
194 **17C-1-404**, (Renumbered from 17B-4-1004, as last amended by Chapter 292, Laws of
195 Utah 2005)
196 **17C-1-407**, (Renumbered from 17B-4-1005, as last amended by Chapter 292, Laws of
197 Utah 2005)
198 **17C-1-408**, (Renumbered from 17B-4-1006, as enacted by Chapter 133, Laws of Utah
199 2001)
200 **17C-1-409**, (Renumbered from 17B-4-1007, as last amended by Chapter 292, Laws of
201 Utah 2005)
202 **17C-1-410**, (Renumbered from 17B-4-1008, as enacted by Chapter 133, Laws of Utah
203 2001)
204 **17C-1-411**, (Renumbered from 17B-4-1009, as enacted by Chapter 133, Laws of Utah
205 2001)
206 **17C-1-412**, (Renumbered from 17B-4-1010, as last amended by Chapters 185 and 205,
207 Laws of Utah 2002)
208 **17C-1-413**, (Renumbered from 17B-4-1011, as enacted by Chapter 133, Laws of Utah
209 2001)
210 **17C-1-501**, (Renumbered from 17B-4-1201, as enacted by Chapter 133, Laws of Utah
211 2001)

212 **17C-1-502**, (Renumbered from 17B-4-1202, as enacted by Chapter 133, Laws of Utah
213 2001)
214 **17C-1-503**, (Renumbered from 17B-4-1203, as enacted by Chapter 133, Laws of Utah
215 2001)
216 **17C-1-504**, (Renumbered from 17B-4-1204, as last amended by Chapter 105, Laws of
217 Utah 2005)
218 **17C-1-505**, (Renumbered from 17B-4-1205, as enacted by Chapter 133, Laws of Utah
219 2001)
220 **17C-1-506**, (Renumbered from 17B-4-1206, as enacted by Chapter 133, Laws of Utah
221 2001)
222 **17C-1-507**, (Renumbered from 17B-4-1207, as enacted by Chapter 133, Laws of Utah
223 2001)
224 **17C-1-508**, (Renumbered from 17B-4-1208, as enacted by Chapter 133, Laws of Utah
225 2001)
226 **17C-1-601**, (Renumbered from 17B-4-1301, as last amended by Chapter 37, Laws of
227 Utah 2002)
228 **17C-1-602**, (Renumbered from 17B-4-1302, as enacted by Chapter 133, Laws of Utah
229 2001)
230 **17C-1-603**, (Renumbered from 17B-4-1303, as last amended by Chapter 37, Laws of
231 Utah 2002)
232 **17C-1-604**, (Renumbered from 17B-4-1304, as last amended by Chapter 71, Laws of
233 Utah 2005)
234 **17C-1-605**, (Renumbered from 17B-4-1305, as enacted by Chapter 133, Laws of Utah
235 2001)
236 **17C-1-606**, (Renumbered from 17B-4-1306, as enacted by Chapter 133, Laws of Utah
237 2001)
238 **17C-1-701**, (Renumbered from 17B-4-1401, as last amended by Chapter 233, Laws of
239 Utah 2005)
240 **17C-2-101**, (Renumbered from 17B-4-401, as enacted by Chapter 133, Laws of Utah
241 2001)
242 **17C-2-102**, (Renumbered from 17B-4-402, as last amended by Chapters 254 and 292,

243 Laws of Utah 2005)
244 **17C-2-103**, (Renumbered from 17B-4-403, as last amended by Chapter 292, Laws of
245 Utah 2005)
246 **17C-2-104**, (Renumbered from 17B-4-405, as enacted by Chapter 133, Laws of Utah
247 2001)
248 **17C-2-105**, (Renumbered from 17B-4-406, as last amended by Chapter 205, Laws of
249 Utah 2002)
250 **17C-2-106**, (Renumbered from 17B-4-407, as last amended by Chapter 292, Laws of
251 Utah 2005)
252 **17C-2-107**, (Renumbered from 17B-4-408, as enacted by Chapter 133, Laws of Utah
253 2001)
254 **17C-2-108**, (Renumbered from 17B-4-409, as enacted by Chapter 133, Laws of Utah
255 2001)
256 **17C-2-109**, (Renumbered from 17B-4-410, as last amended by Chapter 233, Laws of
257 Utah 2005)
258 **17C-2-110**, (Renumbered from 17B-4-411, as last amended by Chapter 292, Laws of
259 Utah 2005)
260 **17C-2-201**, (Renumbered from 17B-4-501, as enacted by Chapter 133, Laws of Utah
261 2001)
262 **17C-2-202**, (Renumbered from 17B-4-503, as last amended by Chapter 165, Laws of
263 Utah 2004)
264 **17C-2-203**, (Renumbered from 17B-4-504, as last amended by Chapters 139 and 185,
265 Laws of Utah 2002)
266 **17C-2-204**, (Renumbered from 17B-4-505, as last amended by Chapter 185, Laws of
267 Utah 2002)
268 **17C-2-205**, (Renumbered from 17B-4-506, as last amended by Chapter 185, Laws of
269 Utah 2002)
270 **17C-2-206**, (Renumbered from 17B-4-507, as last amended by Chapter 292, Laws of
271 Utah 2005)
272 **17C-2-301**, (Renumbered from 17B-4-602, as last amended by Chapter 292, Laws of
273 Utah 2005)

274 **17C-2-302**, (Renumbered from 17B-4-603, as last amended by Chapter 292, Laws of
275 Utah 2005)

276 **17C-2-303**, (Renumbered from 17B-4-604, as last amended by Chapter 292, Laws of
277 Utah 2005)

278 **17C-2-304**, (Renumbered from 17B-4-605, as last amended by Chapter 292, Laws of
279 Utah 2005)

280 **17C-2-401**, (Renumbered from 17B-4-801, as enacted by Chapter 133, Laws of Utah
281 2001)

282 **17C-2-402**, (Renumbered from 17B-4-802, as last amended by Chapter 205, Laws of
283 Utah 2002)

284 **17C-2-403**, (Renumbered from 17B-4-705, as last amended by Chapter 205, Laws of
285 Utah 2002)

286 **17C-2-501**, (Renumbered from 17B-4-701, as enacted by Chapter 133, Laws of Utah
287 2001)

288 **17C-2-502**, (Renumbered from 17B-4-702, as last amended by Chapter 205, Laws of
289 Utah 2002)

290 **17C-2-503**, (Renumbered from 17B-4-703, as last amended by Chapter 205, Laws of
291 Utah 2002)

292 **17C-2-504**, (Renumbered from 17B-4-704, as enacted by Chapter 133, Laws of Utah
293 2001)

294 **17C-2-505**, (Renumbered from 17B-4-502, as enacted by Chapter 133, Laws of Utah
295 2001)

296 REPEALS:

297 **17B-4-404**, as last amended by Chapter 256, Laws of Utah 2003

298 **17B-4-601**, as last amended by Chapter 292, Laws of Utah 2005

299 **17B-4-901**, as enacted by Chapter 133, Laws of Utah 2001

300 **17B-4-902**, as enacted by Chapter 133, Laws of Utah 2001

301 **17B-4-1101**, as last amended by Chapter 292, Laws of Utah 2005

302 **17B-4-1104**, as enacted by Chapter 133, Laws of Utah 2001

303

304 *Be it enacted by the Legislature of the state of Utah:*

305 Section 1. Section **9-4-704** is amended to read:

306 **9-4-704. Distribution of fund moneys.**

307 (1) The executive director shall:

308 (a) make grants and loans from the fund for any of the activities authorized by Section
309 9-4-705, as directed by the board;

310 (b) establish the criteria with the approval of the board by which loans and grants will
311 be made; and

312 (c) determine with the approval of the board the order in which projects will be funded.

313 (2) The executive director shall distribute, as directed by the board, any federal moneys
314 contained in the fund according to the procedures, conditions, and restrictions placed upon the
315 use of those moneys by the federal government.

316 (3) (a) The executive director shall distribute, as directed by the board, any funds
317 received pursuant to Section [~~17B-4-1010~~] 17C-1-412 to pay the costs of providing income
318 targeted housing within the community that created the [~~redevelopment agency under Title~~
319 ~~17B, Chapter 4, Redevelopment Agencies Act~~] community development and renewal agency
320 under Title 17C, Limited Purpose Local Government Entities - Community Development and
321 Renewal Agencies.

322 (b) As used in Subsection (3)(a):

323 (i) "Community" has the meaning as defined in [~~Subsection 17B-4-102(10)~~] Section
324 17C-1-102.

325 (ii) "Income targeted housing" has the meaning as defined in [~~Subsection~~
326 ~~17B-4-1010(1)~~] Section 17C-1-102.

327 (4) Except federal money and money received under Section [~~17B-4-1010~~] 17C-1-412,
328 the executive director shall distribute, as directed by the board, all other moneys from the fund
329 according to the following requirements:

330 (a) Not less than 30% of all fund moneys shall be distributed to rural areas of the state.

331 (b) At least 50% of the moneys in the fund shall be distributed as loans to be repaid to
332 the fund by the entity receiving them.

333 (i) (A) Of the fund moneys distributed as loans, at least 50% shall be distributed to
334 benefit persons whose annual income is at or below 50% of the median family income for the
335 state.

336 (B) The remaining loan moneys shall be distributed to benefit persons whose annual
337 income is at or below 80% of the median family income for the state.

338 (ii) The executive director or his designee shall lend moneys in accordance with this
339 Subsection (4) at a rate based upon the borrower's ability to pay.

340 (c) Any fund moneys not distributed as loans shall be distributed as grants.

341 (i) At least 90% of the fund moneys distributed as grants shall be distributed to benefit
342 persons whose annual income is at or below 50% of the median family income for the state.

343 (ii) The remaining fund moneys distributed as grants may be used by the executive
344 director to obtain federal matching funds or for other uses consistent with the intent of this part,
345 including the payment of reasonable loan servicing costs, but no more than 3% of the revenues
346 of the fund may be used to offset other department or board administrative expenses.

347 (5) The executive director may with the approval of the board:

348 (a) enact rules to establish procedures for the grant and loan process by following the
349 procedures and requirements of Title 63, Chapter 46a, Utah Administrative Rulemaking Act;
350 and

351 (b) service or contract, pursuant to Title 63, Chapter 56, Utah Procurement Code, for
352 the servicing of loans made by the fund.

353 Section 2. Section **10-3-1303** is amended to read:

354 **10-3-1303. Definitions.**

355 As used in this part:

356 (1) "Appointed officer" means any person appointed to any statutory office or position
357 or any other person appointed to any position of employment with a city or with a
358 [~~redevelopment agency under Title 17B, Chapter 4, Redevelopment Agencies Act~~] community
359 development and renewal agency under Title 17C, Limited Purpose Local Government Entities
360 - Community Development and Renewal Agencies. Appointed officers include, but are not
361 limited to, persons serving on special, regular, or full-time committees, agencies, or boards
362 whether or not such persons are compensated for their services. The use of the word "officer"
363 in this part is not intended to make appointed persons or employees "officers" of the
364 municipality.

365 (2) "Assist" means to act, or offer or agree to act, in such a way as to help, represent,
366 aid, advise, furnish information to, or otherwise provide assistance to a person or business

367 entity, believing that such action is of help, aid, advice, or assistance to such person or business
368 entity and with the intent to assist such person or business entity.

369 (3) "Business entity" means a sole proprietorship, partnership, association, joint
370 venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on
371 a business.

372 (4) "Compensation" means anything of economic value, however designated, which is
373 paid, loaned, granted, given, donated, or transferred to any person or business entity by anyone
374 other than the governmental employer for or in consideration of personal services, materials,
375 property, or any other thing whatsoever.

376 (5) "Elected officer" means any person elected or appointed to the office of mayor,
377 commissioner, or council member.

378 (6) "Improper disclosure" means disclosure of private, controlled, or protected
379 information to any person who does not have both the right and the need to receive the
380 information.

381 (7) "Municipal employee" means a person who is not an elected or appointed officer
382 who is employed on a full or part-time basis by a municipality or by a [~~redevelopment agency~~
383 ~~under Title 17B, Chapter 4, Redevelopment Agencies Act~~] community development and
384 renewal agency under Title 17C, Limited Purpose Local Government Entities - Community
385 Development and Renewal Agencies.

386 (8) "Private, controlled, or protected information" means information classified as
387 private, controlled, or protected under Title 63, Chapter 2, Government Records Access and
388 Management Act or other applicable provision of law.

389 (9) "Substantial interest" means the ownership, either legally or equitably, by an
390 individual, his spouse, or his minor children, of at least 10% of the outstanding shares of a
391 corporation or 10% interest in any other business entity.

392 Section 3. Section **11-25-2** is amended to read:

393 **11-25-2. Legislative findings -- Liberal construction.**

394 The legislature finds and declares that it is necessary for the welfare of the state and its
395 inhabitants that [~~redevelopment~~] community development and renewal agencies be authorized
396 within cities, towns or counties, or cities or towns and counties to make long-term, low-interest
397 loans to finance residential rehabilitation in selected residential areas in order to encourage the

398 upgrading of property in those areas. Unless such agencies provide some form of assistance to
399 finance residential rehabilitation, many residential areas will deteriorate at an accelerated pace.
400 This act shall be liberally construed to effect its purposes.

401 Section 4. Section **11-25-3** is amended to read:

402 **11-25-3. Definitions.**

403 As used in this act:

404 (1) "Bonds" mean any bonds, notes, interim certificates, debentures, or other
405 obligations issued by an agency pursuant to this part and which are payable exclusively from
406 the revenues, as defined in Subsection (9), and from any other funds specified in this part upon
407 which the bonds may be made a charge and from which they are payable.

408 (2) "Citizen participation" means action by the agency to provide persons who will be
409 affected by residential rehabilitation financed under the provisions of this part with
410 opportunities to be involved in planning and carrying out the residential rehabilitation program.
411 "Citizen participation" shall include, but not be limited to, all of the following:

412 (a) Holding a public meeting prior to considering selection of the area for designation.

413 (b) Consultation with representatives of owners of property in, and residents of, a
414 residential rehabilitation area, in developing plans for public improvements and
415 implementation of the residential rehabilitation program.

416 (c) Dissemination of information relating to the time and location of meetings,
417 boundaries of the proposed residential rehabilitation area, and a general description of the
418 proposed residential rehabilitation program.

419 Public meetings and consultations shall be conducted by an official designated by the
420 agency. Public meetings shall be held at times and places convenient to residents and property
421 owners.

422 (3) "Financing" means the lending of moneys or any other thing of value for the
423 purpose of residential rehabilitation.

424 (4) "Agency" means a ~~[redemption]~~ community development and renewal agency
425 functioning pursuant to ~~[Title 17B, Chapter 4, Redevelopment Agencies Act]~~ Title 17C,
426 Limited Purpose Local Government Entities - Community Development and Renewal
427 Agencies.

428 (5) "Participating party" means any person, company, corporation, partnership, firm,

429 agency, political subdivision of the state, or other entity or group of entities requiring financing
430 for residential rehabilitation pursuant to the provisions of this part. No elective officer of the
431 state or any of its political subdivisions shall be eligible to be a participating party under the
432 provision of this part.

433 (6) "Residential rehabilitation" means the construction, reconstruction, renovation,
434 replacement, extension, repair, betterment, equipping, developing, embellishing, or otherwise
435 improving residences consistent with standards of strength, effectiveness, fire resistance,
436 durability, and safety, so that the structures are satisfactory and safe to occupy for residential
437 purposes and are not conducive to ill health, transmission of disease, infant mortality, juvenile
438 delinquency, or crime because of any one or more of the following factors:

439 (a) defective design and character of physical construction;

440 (b) faulty interior arrangement and exterior spacing;

441 (c) high density of population and overcrowding;

442 (d) inadequate provision for ventilation, light, sanitation, open spaces, and recreation
443 facilities;

444 (e) age, obsolescence, deterioration, dilapidation, mixed character, or shifting of uses;
445 and

446 (f) economic dislocation, deterioration, or disuse, resulting from faulty planning.

447 (7) "Residence" means a residential structure in residential rehabilitation areas. It also
448 means a commercial structure which, in the judgment of the agency, is an integral part of a
449 residential neighborhood.

450 (8) "Rehabilitation standards" mean the applicable local or state standards for the
451 rehabilitation of buildings located in residential rehabilitation areas, including any higher
452 standards adopted by the agency as part of its residential rehabilitation financing program.

453 (9) "Revenues" mean all amounts received as repayment of principal, interest, and all
454 other charges received for, and all other income and receipts derived by, the agency from the
455 financing of residential rehabilitation, including moneys deposited in a sinking, redemption, or
456 reserve fund or other fund to secure the bonds or to provide for the payment of the principal of,
457 or interest on, the bonds and such other moneys as the legislative body may, in its discretion,
458 make available therefor.

459 (10) "Residential rehabilitation area" means the geographical area designated by the

460 agency as one for inclusion in a comprehensive residential rehabilitation financing program
461 pursuant to the provisions of this act.

462 Section 5. Section **11-25-5** is amended to read:

463 **11-25-5. Bonds or notes -- Issuance -- Purposes -- Payment -- Maturity of bond**
464 **anticipation notes.**

465 An agency may, from time to time, issue its negotiable bonds or notes for the purpose
466 of financing residential rehabilitation as authorized by this act and for the purpose of funding or
467 refunding these bonds or notes in the same manner as it may issue other bonds or notes as
468 provided in [~~Title 17B, Chapter 4, Part 12, Bonds~~] Title 17C, Chapter 1, Part 5, Agency Bonds.
469 Every issue of its bonds shall be a special obligation of the agency payable from all or any part
470 of the revenues specified in the act or funds legally received by the agency. In anticipation of
471 the sale of the bonds, the agency may issue negotiable bond anticipation notes in accordance
472 with Section 11-14-311, and may renew such notes from time to time. Bond anticipation notes
473 may be paid from the proceeds of sale of the bonds of the agency in anticipation of which they
474 were issued. Bond anticipation notes and agreements relating thereto and the resolution or
475 resolutions authorizing the notes and agreements may obtain any provisions, conditions, or
476 limitations which a bond, agreement relating thereto, or bond resolution of the agency may
477 contain except that any note or renewal thereof shall mature at a time not later than five years
478 from the date of the issuance of the original note.

479 Section 6. Section **11-25-11** is amended to read:

480 **11-25-11. Comprehensive financing program ordinance -- Contents.**

481 Prior to the issuance of any bonds or bond anticipation notes of the agency for
482 residential rehabilitation, the agency shall by ordinance adopt a comprehensive residential
483 rehabilitation financing program, including:

484 (1) Criteria for selection of residential rehabilitation areas by the agency including
485 findings by the agency that:

486 (a) There are a substantial number of deteriorating structures in the area which do not
487 conform to community standards for decent, safe, sanitary housing.

488 (b) Financial assistance from the agency for residential rehabilitation is necessary to
489 arrest the deterioration of the area.

490 (c) Financing of residential rehabilitation in the area is economically feasible. These

491 findings are not required, however, when the residential rehabilitation area is located within the
492 boundaries of a project area covered by [a] an urban renewal project area [~~redevelopment~~] plan
493 adopted in accordance with Section [~~17B-4-408~~] 17C-2-107.

494 (2) Procedures for selection of residential rehabilitation areas by the agency including:

495 (a) Provisions for citizen participation in selection of residential rehabilitation areas.

496 (b) Provisions for a public hearing by the agency prior to selection of any particular
497 residential rehabilitation area.

498 (3) A commitment that rehabilitation standards will be enforced on each residence for
499 which financing is provided.

500 (4) Guidelines for financing residential rehabilitation which shall be subject to the
501 following limitations:

502 (a) Outstanding loans on the property to be rehabilitated including the amount of the
503 loans for rehabilitation, shall not exceed 80% of the anticipated after-rehabilitation value of the
504 property to be rehabilitated, except that the agency may authorize loans of up to 95% of the
505 anticipated after-rehabilitation value of the property if loans are made for the purpose of
506 rehabilitating the property for residential purposes, there is demonstrated need for such higher
507 limit, and there is a high probability that the value of the property will not be impaired during
508 the term of the loan.

509 (b) The maximum repayment period for residential rehabilitation loans shall be 20
510 years or 3/4 of the economic life of the property, whichever is less.

511 (c) The maximum amount loan for rehabilitation for each dwelling unit and for each
512 commercial unit which is, or is part of a "residence" as defined in this chapter, shall be
513 established by resolution of the agency.

514 Section 7. Section **11-27-2** is amended to read:

515 **11-27-2. Definitions.**

516 As used in this chapter:

517 (1) "Advance refunding bonds" means refunding bonds issued for the purpose of
518 refunding outstanding bonds in advance of their maturity.

519 (2) "Assessments" means a special tax levied against property within a special
520 improvement district to pay all or a portion of the costs of making improvements in the district.

521 (3) "Bond" means any revenue bond, general obligation bond, tax increment bond,

522 special improvement bond, or refunding bond.

523 (4) "General obligation bond" means any bond, note, warrant, certificate of
524 indebtedness, or other obligation of a public body payable in whole or in part from revenues
525 derived from ad valorem taxes and that constitutes an indebtedness within the meaning of any
526 applicable constitutional or statutory debt limitation.

527 (5) "Governing body" means the council, commission, county legislative body, board
528 of directors, board of trustees, board of education, board of regents, or other legislative body of
529 a public body designated in this chapter that is vested with the legislative powers of the public
530 body, and, with respect to the state, the State Bonding Commission created by Section
531 63B-1-201.

532 (6) "Government obligations" means:

533 (a) direct obligations of the United States of America, or other securities, the principal
534 of and interest on which are unconditionally guaranteed by the United States of America; or

535 (b) obligations of any state, territory, or possession of the United States, or of any of
536 the political subdivisions of any state, territory, or possession of the United States, or of the
537 District of Columbia described in Section 103(a), Internal Revenue Code of 1986.

538 (7) "Issuer" means the public body issuing any bond or bonds.

539 (8) "Public body" means the state or any agency, authority, instrumentality, or
540 institution of the state, or any municipal or quasi-municipal corporation, political subdivision,
541 agency, school district, special district, or other governmental entity now or hereafter existing
542 under the laws of the state.

543 (9) "Refunding bonds" means bonds issued under the authority of this chapter for the
544 purpose of refunding outstanding bonds.

545 (10) "Resolution" means a resolution of the governing body of a public body taking
546 formal action under this chapter.

547 (11) "Revenue bond" means any bond, note, warrant, certificate of indebtedness, or
548 other obligation for the payment of money issued by a public body or any predecessor of any
549 public body and that is payable from designated revenues not derived from ad valorem taxes or
550 from a special fund composed of revenues not derived from ad valorem taxes, but excluding all
551 of the following:

552 (a) any obligation constituting an indebtedness within the meaning of any applicable

553 constitutional or statutory debt limitation;

554 (b) any obligation issued in anticipation of the collection of taxes, where the entire
555 issue matures not later than one year from the date of the issue; and

556 (c) any special improvement bond.

557 (12) "Special improvement bond" means any bond, note, warrant, certificate of
558 indebtedness, or other obligation of a public body or any predecessor of any public body that is
559 payable from assessments levied on benefitted property and from any special improvement
560 guaranty fund.

561 (13) "Special improvement guaranty fund" means any special improvement guaranty
562 fund established under Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah Cities;
563 Title 17A, Chapter 3, Part 2, County Improvement Districts Act; or any predecessor or similar
564 statute.

565 (14) "Tax increment bond" means any bond, note, warrant, certificate of indebtedness,
566 or other obligation of a public body issued under authority of Title 17A, Chapter 2, Part 16,
567 Great Salt Lake Development Authority, or any similar statutes, including [~~Title 17B, Chapter~~
568 ~~4, Redevelopment Agencies Act~~] Title 17C, Limited Purpose Local Government Entities -
569 Community Development and Renewal Agencies.

570 Section 8. Section **17A-1-403** is amended to read:

571 **17A-1-403. Applicability to special districts -- Exceptions.**

572 This part applies to all special districts under Subsection 17A-1-404(19) except the
573 following districts which are specifically excluded from this part:

574 (1) [~~redevelopment~~] community development and renewal agencies created under
575 [~~Title 17B, Chapter 4~~] Title 17C, Limited Purpose Local Government Entities - Community
576 Development and Renewal Agencies;

577 (2) public transit districts created under Chapter 2, Part 10;

578 (3) health departments created under Title 26A, Chapter 1; and

579 (4) entities created under Title 11, Chapter 13, Interlocal Cooperation Act, unless the
580 entity is also a mental health district created under Chapter 3, Part 6, Local Mental Health
581 Authorities.

582 Section 9. Section **17C-1-101**, which is renumbered from Section 17B-4-101 is
583 renumbered and amended to read:

TITLE 17C. LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES -
COMMUNITY DEVELOPMENT AND RENEWAL AGENCIES

CHAPTER 1. GENERAL PROVISIONS

Part 1. Definitions and Other General Provisions

~~[17B-4-101].~~ 17C-1-101. Title.

This ~~[chapter]~~ title is known as ~~[the "Redevelopment Agencies Act."]~~ "Limited Purpose Local Government Entities - Community Development and Renewal Agencies."

Section 10. Section **17C-1-102**, which is renumbered from Section 17B-4-102 is renumbered and amended to read:

~~[17B-4-102].~~ 17C-1-102. Definitions.

As used in this title:

(1) "Adjusted tax increment" means:

(a) for tax increment under a pre-July 1, 1993 project area plan, tax increment under Section 17C-1-403, excluding tax increment under Subsection 17C-1-403(3); and

(b) for tax increment under a post-June 30, 1993 project area plan, tax increment under Section 17C-1-404, excluding tax increment under Section 17C-1-406.

(2) "Affordable housing" means housing to be owned or occupied by persons and families of low or moderate income, as determined by resolution of the agency.

~~[(1)]~~ (3) "Agency" or "community development and renewal agency" means a separate body corporate and politic, created under Section ~~[17B-4-201]~~ 17C-1-201 or as a redevelopment agency under previous law, that is a political subdivision of the state, that is created to undertake or promote ~~[redevelopment]~~ urban renewal, economic development, or ~~[education housing]~~ community development, or any combination of them, as provided in this ~~[chapter]~~ title, and whose geographic boundaries are coterminous with:

(a) for an agency created by a county, the unincorporated area of the county; and

(b) for an agency created by a city or town, the boundaries of the city or town.

~~[(2) "Assessment property owner" or "assessment owner of property" means the owner of real property as shown on the assessment roll of the county in which the property is located; equalized as of the previous November 1.]~~

(4) "Annual income" has the meaning as defined under regulations of the U.S. Department of Housing and Urban Development, 24 C.F.R. Sec. 5.609, as amended or as

615 superseded by replacement regulations.

616 [~~(3)~~] (5) "Assessment roll" has the meaning as defined in Section 59-2-102.

617 [~~(4)~~] (6) "Base taxable value" means the taxable value of the property within a project
618 area from which tax increment will be collected, as shown upon the assessment roll last
619 equalized before:

620 (a) for a pre-July 1, 1993 project area plan, the effective date of the project area plan;

621 or

622 (b) for a post-June 30, 1993 project area plan:

623 (i) the date of the taxing entity committee's approval of the first project area budget; or

624 (ii) if no taxing entity committee approval is required for the project area budget, the

625 later of:

626 (A) the date the project area plan is adopted by the community legislative body; and

627 (B) the date the agency adopts the first project area budget.

628 (7) "Basic levy" means the portion of a school district's tax levy constituting the

629 minimum basic levy under Section 59-2-902.

630 [~~(5)~~] (8) "Blight" or "blighted" means the condition of an area that meets the

631 requirements of Subsection [~~17B-4-604~~] 17C-2-303(1).

632 [~~(6)~~] (9) "Blight hearing" means a public hearing under Subsection [~~17B-4-604~~]

633 17C-2-102(1)(c) (a)(iii) and Section [~~17B-4-603~~] 17C-2-302 regarding the existence or

634 nonexistence of blight within the proposed [~~redevelopment~~] urban renewal project area.

635 [~~(7)~~] (10) "Blight study" means a study to determine the existence or nonexistence of

636 blight within a survey area as provided in Section [~~17B-4-602~~] 17C-2-301.

637 [~~(8)~~] (11) "Board" means the governing body of an agency, as provided in Section

638 [~~17B-4-203~~] 17C-1-203.

639 [~~(9)~~] (12) "Budget hearing" means the public hearing on a draft project area budget

640 required under Subsection [~~17B-4-501~~] 17C-2-201(2)(c) (d) for an urban renewal project area

641 budget or Subsection 17C-3-201(2)(d) for an economic development project area budget.

642 (13) "Combined incremental value" means the combined total of all incremental values

643 from all urban renewal project areas, except a military installation project area, within the

644 agency's boundaries under adopted project area plans and adopted project area budgets at the

645 time that a project area budget for a new urban renewal project area is being considered.

646 ~~[(10)]~~ (14) "Community" means a county, city, or town.

647 (15) "Community development" means development activities within a community,
648 including the encouragement, promotion, or provision of development.

649 ~~[(11)]~~ (16) "Economic development" means to promote the creation or retention of
650 public or private jobs within the state through:

651 (a) planning, design, development, construction, rehabilitation, business relocation, or
652 any combination of these, within ~~[part or all of a project area]~~ a community; and

653 (b) the provision of office, industrial, manufacturing, warehousing, distribution,
654 parking, public, or other facilities, or other improvements that benefit the state or a community.

655 ~~[(12) "Education housing development" means the provision of high density housing~~
656 ~~within a project area that is adjacent to a public or private institution of higher education.]~~

657 (17) "Fair share ratio" means the ratio derived by:

658 (a) for a city or town, comparing the percentage of all housing units within the city or
659 town that are publicly subsidized income targeted housing units to the percentage of all
660 housing units within the whole county that are publicly subsidized income targeted housing
661 units; or

662 (b) for the unincorporated part of a county, comparing the percentage of all housing
663 units within the unincorporated county that are publicly subsidized income targeted housing
664 units to the percentage of all housing units within the whole county that are publicly subsidized
665 income targeted housing units.

666 (18) "Family" has the meaning as defined under regulations of the U.S. Department of
667 Housing and Urban Development, 24 C.F.R. Section 5.403, as amended or as superseded by
668 replacement regulations.

669 (19) "Greenfield" means land not developed beyond agricultural or forestry use.

670 (20) "Housing funds" means the funds allocated in an urban renewal project area
671 budget under Section 17C-2-203 for the purposes provided in Subsection 17C-1-412(1).

672 (21) "Income targeted housing" means housing to be owned or occupied by a family
673 whose annual income is at or below 80% of the median annual income for the county in which
674 the housing is located.

675 (22) "Incremental value" means a figure derived by multiplying the marginal value of
676 the property located within an urban renewal project area on which tax increment is collected

677 by a number that represents the percentage of adjusted tax increment from that project area that
678 is paid to the agency.

679 [(13)] (23) "Loan fund board" means the Olene Walker Housing Loan Fund Board,
680 established under Title 9, Chapter 4, Part 7, Olene Walker Housing Loan Fund.

681 (24) "Marginal value" means the difference between actual taxable value and base
682 taxable value.

683 (25) "Military installation project area" means a project area or a portion of a project
684 area located within a federal military installation ordered closed by the federal Defense Base
685 Realignment and Closure Commission.

686 [(14)] (26) "Plan hearing" means the public hearing on a draft project area plan
687 required under Subsection [17B-4-402-(1)(e)] 17C-2-102(1)(a)(viii) for an urban renewal
688 project area plan, Subsection 17C-3-102(1)(d) for an economic development project area plan,
689 and Subsection 17C-4-102(1)(d) for a community development project area plan.

690 [(15)] (27) "Post-June 30, 1993 project area plan" means a [~~redevelopment, economic~~
691 ~~development, or education housing development~~] project area plan adopted on or after July 1,
692 1993, whether or not amended subsequent to its adoption.

693 [(16)] (28) "Pre-July 1, 1993 project area plan" means a [~~redevelopment~~] project area
694 plan adopted before July 1, 1993, whether or not amended subsequent to its adoption.

695 [(17)] (29) "Private," with respect to real property, means:

696 (a) not owned by the United States or any agency of the federal government, a public
697 entity, or any other governmental entity; and

698 (b) not dedicated to public use.

699 [(18)] (30) "Project area" means the geographic area described in a project area plan or
700 draft project area plan where the [~~redevelopment~~] urban renewal, economic development, or
701 [~~education housing~~] community development, as the case may be, set forth in the project area
702 plan or draft project area plan takes place or is proposed to take place.

703 [(19)] (31) "Project area budget" means a multiyear projection of annual or cumulative
704 revenues and expenses and other fiscal matters pertaining to a [~~redevelopment,~~] urban renewal
705 or economic development[~~;-or education housing development~~] project area that includes:

706 (a) the base taxable value of property in the project area;

707 (b) the projected tax increment expected to be generated within the project area;

- 708 (c) the amount of tax increment expected to be shared with other taxing entities;
- 709 (d) the amount of tax increment expected to be used to implement the project area plan,
710 including the estimated amount of tax increment to be used for land acquisition, public
711 improvements, infrastructure improvements, and loans, grants, or other incentives to private
712 and public entities;
- 713 (e) the tax increment expected to be used to cover the cost of administering the project
714 area plan;
- 715 (f) if the area from which tax increment is to be collected is less than the entire project
716 area[;]:
- 717 (i) the tax identification numbers of the parcels from which tax increment will be
718 collected; or
- 719 (ii) a legal description of the portion of the project area from which tax increment will
720 be collected; and
- 721 (g) for property that the agency owns and expects to sell, the expected total cost of the
722 property to the agency and the expected selling price.
- 723 [~~20~~] (32) "Project area plan" means a written plan under Part 4, Project Area Plan,
724 that, after its effective date, guides and controls the [~~redevelopment~~] urban renewal, economic
725 development, or [~~education housing~~] community development activities within [~~the~~] a project
726 area.
- 727 [~~21~~] (33) "Property tax" includes privilege tax and each levy on an ad valorem basis
728 on tangible or intangible personal or real property.
- 729 [~~22~~] (34) "Public entity" means:
- 730 (a) the state, including any of its departments or agencies; or
- 731 (b) a political subdivision of the state, including a county, city, town, school district,
732 special district, local district, or interlocal cooperation entity.
- 733 [~~23~~] "~~Public input hearing~~" means the ~~public hearing required under Subsection~~
734 ~~17B-4-402(1)(h)(ii) regarding a proposed redevelopment project.~~
- 735 (35) "Publicly owned infrastructure and improvements" means water, sewer, storm
736 drainage, electrical, and other similar systems and lines, streets, roads, curb, gutter, sidewalk,
737 walkways, parking facilities, public transportation facilities, and other facilities, infrastructure,
738 and improvements benefitting the public and to be publicly owned or publicly maintained or

739 operated.

740 [(24)] (36) "Record property owner" or "record owner of property" means the owner of
741 real property as shown on the records of the recorder of the county in which the property is
742 located and includes a purchaser under a real estate contract if the contract is recorded in the
743 office of the recorder of the county in which the property is located or the purchaser gives
744 written notice of the real estate contract to the agency.

745 [(26)] (37) "Superfund site":

746 (a) means an area included in the National Priorities List under the Comprehensive
747 Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec. 9605; and

748 (b) includes an area formerly included in the National Priorities List, as described in
749 Subsection [(26)] (38)(a), but removed from the list following remediation that leaves on site
750 the waste that caused the area to be included in the National Priorities List.

751 [(27)] (38) "Survey area" means an area designated by a survey area resolution for
752 study to determine whether one or more [~~redevelopment~~] urban renewal projects within the
753 area are feasible.

754 [(28)] (39) "Survey area resolution" means a resolution adopted by the agency board
755 under Subsection [~~17B-4-401(1)(a)~~] 17C-2-101(1)(a) designating a survey area.

756 (40) "Taxable value" means the value of property as shown on the last equalized
757 assessment roll as certified by the county assessor.

758 [(29)] (41) (a) "Tax increment" means, except as provided in Subsection [(29)] (41)(b),
759 the difference between:

760 (i) the amount of property tax revenues generated each tax year by all taxing entities
761 from the area within a project area designated in the project area plan as the area from which
762 tax increment is to be collected, using the current assessed value of the property; and

763 (ii) the amount of property tax revenues that would be generated from that same area
764 using the base taxable value of the property.

765 (b) "Tax increment" does not include taxes levied and collected under Section
766 59-2-906.1 on or after January 1, 1994 upon the taxable property in the project area unless:

767 (i) the project area plan was adopted before May 4, 1993, whether or not the project
768 area plan was subsequently amended; and

769 (ii) the taxes were pledged to support bond indebtedness or other contractual

770 obligations of the agency.

771 ~~[(30)]~~ (42) "Taxing entity" means a public entity that levies a tax on property within a
772 ~~[project area or proposed project area]~~ community.

773 ~~[(31)]~~ (43) "Taxing entity committee" means a committee representing the interests of
774 taxing entities, created as provided in Section ~~[17B-4-1002]~~ 17C-1-402.

775 (44) "Unincorporated" means not within a city or town.

776 ~~[(25) "Redevelopment"]~~ (45) (a) "Urban renewal" means the development activities
777 under a project area plan within ~~[a redevelopment]~~ an urban renewal project area, including:

778 ~~[(a)]~~ (i) planning, design, development, demolition, clearance, construction,
779 rehabilitation, or any combination of these, of part or all of a project area;

780 ~~[(b)]~~ (ii) the provision of residential, commercial, industrial, public, or other structures
781 or spaces, including recreational and other facilities incidental or appurtenant to them;

782 ~~[(c)]~~ (iii) altering, improving, modernizing, demolishing, reconstructing, or
783 rehabilitating, or any combination of these, existing structures in a project area;

784 ~~[(d)]~~ (iv) providing open space, including streets and other public grounds and space
785 around buildings;

786 ~~[(e)]~~ (v) providing public or private buildings, infrastructure, structures, and
787 improvements; and

788 ~~[(f)]~~ (vi) providing improvements of public or private recreation areas and other public
789 grounds.

790 (b) "Urban renewal" means "redevelopment," as defined under the law in effect before
791 May 1, 2006, if the context requires.

792 Section 11. Section **17C-1-103**, which is renumbered from Section 17B-4-105 is
793 renumbered and amended to read:

794 ~~[17B-4-105].~~ **17C-1-103. Limitations on applicability of title --**
795 **Amendment of previously adopted project area plan.**

796 (1) Nothing in this ~~[chapter]~~ title may be construed to:

797 (a) impose a requirement or obligation on an agency, with respect to a project area plan
798 adopted or an agency action taken, that was not imposed by the law in effect at the time the
799 project area plan was adopted or the action taken;

800 (b) prohibit an agency from taking an action that:

801 (i) was allowed by the law in effect immediately before an applicable amendment to
802 this [~~chapter~~] title;

803 (ii) is permitted or required under the project area plan adopted before the amendment;
804 and

805 (iii) is not explicitly prohibited under this [~~chapter~~] title;

806 (c) revive any right to challenge any action of the agency that had already expired; or

807 (d) require a project area plan to contain a provision that was not required by the law in
808 effect at the time the project area plan was adopted.

809 (2) (a) A project area plan adopted before an amendment to this [~~chapter~~] title becomes
810 effective may be amended as provided in this [~~chapter~~] title.

811 (b) Unless explicitly prohibited by this [~~chapter~~] title, an amendment under Subsection
812 (2)(a) may include a provision that is allowed under this [~~chapter~~] title but that was not
813 required or allowed by the law in effect before the applicable amendment.

814 Section 12. Section **17C-1-104** is enacted to read:

815 **17C-1-104. Actions not subject to land use laws.**

816 (1) An action taken under this title is not subject to Title 10, Chapter 9a, Municipal
817 Land Use, Development, and Management Act or Title 17, Chapter 27a, County Land Use,
818 Development, and Management Act.

819 (2) An ordinance or resolution adopted under this title is not a land use ordinance as
820 defined in Sections 10-9a-103 and 17-27a-103.

821 Section 13. Section **17C-1-201**, which is renumbered from Section 17B-4-201 is
822 renumbered and amended to read:

823 **Part 2. Agency Creation, Powers, and Board**

824 [~~17B-4-201~~]. **17C-1-201. Creation of agency -- Notice to lieutenant**
825 **governor.**

826 (1) Subject to Subsection (2), a community may, by ordinance adopted by its
827 legislative body, create [~~an~~] a community development and renewal agency.

828 (2) (a) Within ten days after adopting an ordinance under Subsection (1), the
829 community legislative body shall file with the lieutenant governor a notice of the adoption of
830 the ordinance, with a copy of the ordinance.

831 (b) Upon the lieutenant governor's issuance of the certificate of creation under Section

832 67-1a-6.5, the agency is created and incorporated.

833 (3) An agency may change its name, whether to indicate it is a community
834 development and renewal agency or otherwise, by adopting a resolution setting forth its new
835 name and filing the resolution with the lieutenant governor, the State Tax Commission, the
836 State Board of Education, and the assessor of the county in which the agency is located.

837 Section 14. Section **17C-1-202**, which is renumbered from Section 17B-4-202 is
838 renumbered and amended to read:

839 ~~[17B-4-202].~~ **17C-1-202. Agency powers.**

840 (1) ~~[An]~~ A community development and renewal agency may:

841 (a) sue and be sued;

842 (b) enter into contracts generally;

843 (c) buy, obtain an option upon, or otherwise acquire any interest in real or personal
844 property;

845 (d) sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real or
846 personal property;

847 (e) enter into a lease agreement on real or personal property, either as lessee or lessor;

848 (f) provide for ~~[redevelopment]~~ urban renewal, economic development, and ~~[education~~
849 ~~housing]~~ community development as provided in this ~~[chapter]~~ title;

850 (g) receive tax increment as provided in this ~~[chapter]~~ title;

851 ~~[(h) encourage the continued use of existing buildings in the project area;]~~

852 ~~[(i)]~~ (h) if disposing of or leasing land, retain controls or establish restrictions and
853 covenants running with the land consistent with the project area plan;

854 ~~[(j)]~~ (i) accept financial or other assistance from any public or private source for the
855 agency's activities, powers, and duties, and expend any funds so received for any of the
856 purposes of this ~~[chapter]~~ title;

857 ~~[(k)]~~ (j) borrow money or accept financial or other assistance from the federal
858 government, a public entity, or any other source for any of the purposes of this ~~[chapter]~~ title
859 and comply with any conditions of ~~[such]~~ the loan or assistance; ~~[and]~~

860 ~~[(l)]~~ (k) issue bonds to finance the undertaking of any ~~[redevelopment]~~ urban renewal,
861 economic development, or ~~[education housing]~~ community development or for any of the
862 agency's other purposes, including:

863 (i) reimbursing an advance made by the agency or by a public entity or the federal
864 government to the agency;

865 (ii) refunding bonds to pay or retire bonds previously issued by the agency; and

866 (iii) refunding bonds to pay or retire bonds previously issued by the community that
867 created the agency for expenses associated with [~~a redevelopment~~] an urban renewal, economic
868 development, or [~~education housing~~] community development project; and

869 [~~(m)~~] (l) transact other business and exercise all other powers provided for in this
870 [~~chapter~~] title.

871 (2) The establishment of controls or restrictions and covenants under Subsection
872 (1)[~~(i)~~](h) is a public purpose.

873 Section 15. Section **17C-1-203**, which is renumbered from Section 17B-4-203 is
874 renumbered and amended to read:

875 [~~17B-4-203~~]. **17C-1-203. Agency board -- Quorum.**

876 (1) The governing body of an agency is a board consisting of the current members of
877 the legislative body of the community that created the agency.

878 (2) A majority of board members constitutes a quorum for the transaction of agency
879 business.

880 (3) An agency board may not adopt a resolution, pass a motion, or take any other
881 official board action without the concurrence of at least a majority of the board members
882 present at a meeting at which a quorum is present.

883 Section 16. Section **17C-1-204**, which is renumbered from Section 17B-4-204 is
884 renumbered and amended to read:

885 [~~17B-4-204~~]. **17C-1-204. Urban renewal, economic development, and**
886 **community development by an adjoining agency -- Requirements.**

887 (1) An agency or community may, by resolution of its board or legislative body,
888 respectively, authorize [~~another~~] an agency to conduct [~~redevelopment~~] urban renewal,
889 economic development, or [~~education housing~~] community development activities in a project
890 area that includes an area within the authorizing agency's boundaries or within the boundaries
891 of the authorizing community if the project area or community is contiguous to the boundaries
892 of the other agency.

893 (2) If an agency board or community legislative body adopts a resolution under

894 Subsection (1) authorizing another agency to undertake [~~redevelopment~~] urban renewal,
895 economic development, or [~~education housing~~] community development activities in the
896 authorizing agency's project area or within the boundaries of the authorizing community:

897 (a) the other agency may act in all respects as if the project area were within its own
898 boundaries;

899 (b) the board of the other agency has all the rights, powers, and privileges with respect
900 to the project area as if it were within its own boundaries; and

901 (c) the other agency may be paid tax increment funds to the same extent as if the
902 project area were within its own boundaries.

903 (3) Each project area plan approved by the other agency for the project area that is the
904 subject of a resolution under Subsection (1) shall be [~~:(a) reviewed by the planning~~
905 ~~commission of the community in which the project area is located; and (b)] adopted by
906 ordinance of the legislative body of the community in which the project area is located.~~

907 Section 17. Section **17C-1-205**, which is renumbered from Section 17B-4-205 is
908 renumbered and amended to read:

909 ~~[17B-4-205].~~ **17C-1-205. Change of project area from one community to**
910 **another.**

911 (1) For purposes of this section:

912 (a) "New agency" means the agency created by the new community.

913 (b) "New community" means the community in which the relocated project area is
914 located after the change in community boundaries takes place.

915 (c) "Original agency" means the agency created by the original community.

916 (d) "Original community" means the community that adopted the project area plan that
917 created the project area that has been relocated.

918 (e) "Relocated" means that a project area under a project area plan adopted by the
919 original community has ceased to be located within that community and has become part of a
920 new community because of a change in community boundaries through:

921 (i) a county or municipal annexation;

922 (ii) the creation of a new county;

923 (iii) a municipal incorporation, consolidation, dissolution, or boundary adjustment; or

924 (iv) any other action resulting in a change in community boundaries.

925 (2) If a project area under a project area plan adopted by a community becomes
926 relocated, the project area shall, for purposes of this ~~[chapter]~~ title, be considered to remain in
927 the original community until:

928 (a) the new community has created an agency;

929 (b) the original agency has transferred or assigned to the new agency the original
930 agency's real property, rights, indebtedness, obligations, tax increment, and other assets and
931 liabilities related to the relocated project area; ~~[and]~~

932 (c) the new agency by resolution approves the original agency's project area plan as the
933 project area plan of the new agency; and

934 (d) the new community by ordinance adopts the project area plan that was approved by
935 the new agency.

936 Section 18. Section **17C-1-206**, which is renumbered from Section 17B-4-206 is
937 renumbered and amended to read:

938 ~~[17B-4-206].~~ **17C-1-206. Use of eminent domain prohibited -- Exception.**

939 ~~[(1) An agency may not acquire property or an interest in property from an agency
940 board member or officer unless:]~~

941 ~~[(a) the board member or officer consents; and]~~

942 ~~[(b) the agency uses eminent domain.]~~

943 (1) Except as provided in Subsection (2), an agency may not use eminent domain to
944 acquire property.

945 (2) An agency may use eminent domain to acquire any interest in property that is
946 owned by an agency board member or officer and located within a ~~[redevelopment, economic
947 development, or education housing development]~~ project area, if the board member or officer
948 consents.

949 Section 19. Section **17C-1-207**, which is renumbered from Section 17B-4-103 is
950 renumbered and amended to read:

951 ~~[17B-4-103].~~ **17C-1-207. Public entities may assist with urban renewal,**
952 **economic development, or community development project.**

953 (1) In order to assist and cooperate in the planning, undertaking, construction, or
954 operation of ~~[a redevelopment]~~ an urban renewal, economic development, or ~~[education~~
955 ~~housing]~~ community development project located within the area in which it is authorized to

956 act, a public entity may:

957 (a) (i) cause to be furnished adjacent to or in connection with ~~[a redevelopment]~~ an
958 urban renewal, economic development, or ~~[education housing]~~ community development
959 project:

960 (A) parks, playgrounds, or other recreational facilities;

961 (B) community, educational, water, sewer, or drainage facilities; or

962 (C) any other works which the public entity is otherwise empowered to undertake;

963 (ii) furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets,
964 roads, roadways, alleys, sidewalks, or other places ~~[over which it has authority]~~;

965 (iii) plan or replan, zone or rezone any part of a project area and make any legal
966 exceptions from building regulations and ordinances;

967 (iv) purchase or legally invest in any of the bonds of an agency and exercise all of the
968 rights of any holder of the bonds;

969 (v) enter into an agreement with another public entity concerning action to be taken
970 pursuant to any of the powers granted in this ~~[chapter, and]~~ title;

971 (vi) do any and all things necessary to aid or cooperate in the planning or carrying out
972 of ~~[a redevelopment]~~ an urban renewal, economic development, or ~~[education housing]~~
973 community development project; ~~[and]~~

974 (vii) in connection with the project area plan, become obligated to the extent
975 authorized and funds have been made available to make required improvements or construct
976 required structures; and

977 (viii) lend, grant, or contribute funds to an agency for an urban renewal, economic
978 development, or community development project; and

979 (b) ~~[after]~~ 15 days after posting public notice:

980 (i) ~~[(A)]~~ purchase or otherwise acquire property or lease property from an agency; or

981 ~~[(B)]~~ (ii) sell, grant, convey, or otherwise dispose of the public entity's property or
982 lease the public entity's property to an agency[;].

983 ~~[(ii) in connection with the project area plan, become obligated to the extent authorized~~
984 ~~and funds have been made available to make required improvements or construct required~~
985 ~~structures; and]~~

986 ~~[(iii) lend, grant, or contribute funds to an agency for a redevelopment, economic~~

987 development, or education housing development project.]

988 (2) Notwithstanding any law to the contrary, an agreement under Subsection (1)(a)(v)
989 may extend over any period.

990 (3) A grant or contribution of funds from a public entity to an agency is not subject to
991 the requirements of Section 10-8-2.

992 Section 20. Section **17C-1-208**, which is renumbered from Section 17B-4-104 is
993 renumbered and amended to read:

994 ~~[17B-4-104].~~ **17C-1-208. Agency funds to be accounted for separately**
995 **from community funds.**

996 Agency funds shall be accounted for separately from the funds of the community that
997 created the agency.

998 Section 21. Section **17C-1-301**, which is renumbered from Section 17B-4-301 is
999 renumbered and amended to read:

1000 **Part 3. Agency property**

1001 ~~[17B-4-301].~~ **17C-1-301. Agency property exempt from taxation --**
1002 **Exception.**

1003 (1) Agency property acquired or held for purposes of this [chapter] title is declared to
1004 be public property used for essential public and governmental purposes and, subject to
1005 Subsection (2), is exempt from all taxes of a public entity.

1006 (2) The exemption in Subsection (1) does not apply to property that the agency leases
1007 to a lessee that is not entitled to a tax exemption with respect to the property.

1008 Section 22. Section **17C-1-302**, which is renumbered from Section 17B-4-302 is
1009 renumbered and amended to read:

1010 ~~[17B-4-302].~~ **17C-1-302. Agency property exempt from levy and execution**
1011 **sale -- Judgment against community or agency.**

1012 (1) (a) All agency property, including funds the agency owns or holds for purposes of
1013 this [chapter] title, [are] is exempt from levy and execution sale, and no execution or judicial
1014 process may issue against agency property. A judgment against an agency may not be a charge
1015 or lien upon agency property.

1016 (b) Subsection (1)(a) does not apply to or limit the right of obligees to pursue any
1017 remedies for the enforcement of any pledge or lien given by an agency on its funds or revenues.

1018 (2) A judgment against the community that created the agency may not be a charge or
1019 lien upon agency property.

1020 (3) A judgment against an agency may not be a charge or lien upon property of the
1021 community that created the agency.

1022 Section 23. Section **17C-1-303**, which is renumbered from Section 17B-4-303 is
1023 renumbered and amended to read:

1024 ~~[17B-4-303]~~. **17C-1-303. Summary of sale or other disposition of agency**
1025 **property -- Publication of summary.**

1026 (1) Upon the agency's sale, conveyance, grant, or other disposition of real property, the
1027 agency shall prepare a summary of the material provisions of the disposition.

1028 (2) Each summary under Subsection (1) shall be a matter of public record.

1029 (3) The agency shall ~~[publish each summary under Subsection (1) at least once in a~~
1030 ~~newspaper of general circulation in the agency's boundaries]~~, no later than one month after the
1031 disposition is concluded;

1032 (a) publish each summary under Subsection (1) at least once in a newspaper of general
1033 circulation in the agency's boundaries; or

1034 (b) if there is no newspaper of general circulation, post the summary in three
1035 conspicuous places within the agency's boundaries.

1036 Section 24. Section **17C-1-401**, which is renumbered from Section 17B-4-1001 is
1037 renumbered and amended to read:

1038 **Part 4. Tax Increment and Sales Tax**

1039 ~~[17B-4-1001]~~. **17C-1-401. Agency receipt and use of tax increment and**
1040 **sales tax -- Distribution of tax increment and sales tax.**

1041 (1) An agency may receive and use tax increment and sales tax, as provided in this
1042 part.

1043 (2) (a) The applicable length of time or number of years for which an agency is to be
1044 paid tax increment or sales tax under this part shall be measured:

1045 (i) for a pre-July 1, 1993 project area plan, from the first tax year regarding which the
1046 agency accepts tax increment from the project area; ~~[or]~~

1047 (ii) for a post-June 30, 1993 urban renewal or economic development project area plan,
1048 from the first tax year for which the agency ~~[is to receive]~~ receives tax increment ~~[as shown in]~~

1049 under the project area budget[-]; or

1050 (iii) for a community development project area plan, as indicated in the resolution or
 1051 interlocal agreement of a taxing entity that establishes the agency's right to receive tax
 1052 increment or sales tax.

1053 (b) Tax increment may not be paid to an agency for a tax year prior to the tax year
 1054 following;

1055 (i) for an urban renewal or economic development project area plan, the effective date
 1056 of the project area plan[-]; and

1057 (ii) for a community development project area plan, the effective date of the interlocal
 1058 agreement that establishes the agency's right to receive tax increment.

1059 (3) With respect to a community development project area plan, a taxing entity may, by
 1060 resolution or through interlocal agreement, authorize an agency to be paid any or all of that
 1061 taxing entity's tax increment or sales tax for any period of time.

1062 ~~[(3)]~~ (4) With the written consent of a taxing entity, an agency may be paid tax
 1063 increment, from that taxing entity's tax revenues only, in a higher percentage or for a longer
 1064 period of time, or both, than otherwise authorized under this ~~[chapter]~~ title.

1065 ~~[(4)]~~ (5) Each county that collects property tax on property within a project area shall
 1066 pay and distribute to the agency the tax increment that the agency is entitled to collect under
 1067 this ~~[chapter]~~ title, in the manner and at the time provided in Section 59-2-1365.

1068 Section 25. Section **17C-1-402**, which is renumbered from Section 17B-4-1002 is
 1069 renumbered and amended to read:

1070 ~~**[17B-4-1002].**~~ **17C-1-402. Taxing entity committee.**

1071 (1) Each agency that adopts or proposes to adopt a post-June 30, 1993 urban renewal or
 1072 economic development project area plan shall, and any other agency may, cause a taxing entity
 1073 committee to be created.

1074 (2) (a) (i) Each taxing entity committee shall be composed of:

1075 (A) two school district representatives appointed as provided in Subsection (2)(a)(ii);

1076 (B) (I) in a county of the second, third, fourth, fifth, or sixth class, two representatives
 1077 appointed by resolution of the legislative body of the county in which the agency is located; or

1078 (II) in a county of the first class, one representative appointed by the county executive
 1079 and one representative appointed by the legislative body of the county in which the agency is

1080 located;

1081 (C) if the agency was created by a city or town, two representatives appointed by
1082 resolution of the legislative body of that city or town;

1083 (D) one representative appointed by the State Board of Education; and

1084 (E) one representative selected by majority vote of the legislative bodies or governing
1085 boards of all other taxing entities that levy a tax on property within the agency's boundaries, to
1086 represent the interests of those taxing entities on the taxing entity committee.

1087 (ii) (A) If the agency boundaries include only one school district, that school district
1088 shall appoint the two school district representatives under Subsection (2)(a)(i)(A).

1089 (B) If the agency boundaries include more than one school district, those school
1090 districts shall jointly appoint the two school district representatives under Subsection
1091 (2)(a)(i)(A).

1092 (b) (i) Each taxing entity committee representative under Subsection (2)(a) shall be
1093 appointed within 30 days after the agency provides notice of the creation of the taxing entity
1094 committee.

1095 (ii) If a representative is not appointed within the time required under Subsection
1096 (2)(b)(i), the agency board may appoint a person to serve on the taxing entity committee in the
1097 place of the missing representative until that representative is appointed.

1098 (c) (i) A taxing entity committee representative may be appointed for a set term or
1099 period of time, as determined by the appointing authority under Subsection (2)(a)(i).

1100 (ii) Each taxing entity committee representative shall serve until a successor is
1101 appointed and qualified.

1102 (d) (i) Upon the appointment of each representative under Subsection (2)(a)(i), whether
1103 an initial appointment or an appointment to replace an already serving representative, the
1104 appointing authority shall:

1105 (A) notify the agency in writing of the name and address of the newly appointed
1106 representative; and

1107 (B) provide the agency a copy of the resolution making the appointment or, if the
1108 appointment is not made by resolution, other evidence of the appointment.

1109 (ii) Each appointing authority of a taxing entity committee representative under
1110 Subsection (2)(a)(i) shall notify the agency in writing of any change of address of a

1111 representative appointed by that appointing authority.

1112 (3) A taxing entity committee represents all taxing entities regarding [a] an urban
1113 renewal or economic development project area and may:

1114 (a) cast votes that will be binding on all taxing entities;

1115 (b) negotiate with the agency concerning a draft project area plan;

1116 (c) approve or disapprove a project area budget as provided in Section [~~17B-4-505~~]
1117 17C-2-204 for an urban renewal project area budget and Section 17C-3-203 for an economic
1118 development project area budget;

1119 (d) approve or disapprove amendments to a project area budget as provided in Section
1120 [~~17B-4-507~~] 17C-2-206 for an urban renewal project area budget and Section 17C-3-205 for an
1121 economic development project area budget;

1122 (e) approve exceptions to the limits on the value and size of a project area imposed
1123 under this [~~chapter~~] title;

1124 (f) approve exceptions to the percentage of tax increment and the period of time that
1125 tax increment is paid to the agency as provided in this [~~part~~] title;

1126 (g) approve the use of tax increment for [~~access and utilities~~] publicly owned
1127 infrastructure and improvements outside of [a] an urban renewal or economic development
1128 project area that the agency and community legislative body determine to be of benefit to the
1129 urban renewal or economic development project area, as provided in Subsection
1130 [~~17B-4-1007(1)(a)(ii)(D)~~] 17C-1-409(1)(a)(iii)(D);

1131 (h) waive the restrictions imposed by Subsection [~~17B-4-503(2)(a)~~] 17C-2-202(1); and

1132 (i) give other taxing entity committee approval or consent required or allowed under
1133 this [~~chapter~~] title.

1134 (4) A quorum of a taxing entity committee consists of:

1135 [~~(a) except as provided in Subsection (4)(b):~~]

1136 [(i)] (a) if the urban renewal or economic development project area is located within a
1137 city or town, five members; or

1138 [(ii)] (b) if the urban renewal or economic development project area is not located
1139 within a city or town, four members[~~; or~~].

1140 [~~(b) for an education housing development project area as to which the school district~~
1141 ~~has elected under Subsection 17B-4-1004(5) not to allow the agency to be paid tax increment~~

1142 from school district tax revenues:]

1143 ~~[(i) if the project area is located within a city or town, three members; or]~~

1144 ~~[(ii) if the project area is not located within a city or town, two members.]~~

1145 (5) Taxing entity committee approval, consent, or other action requires the affirmative
1146 vote of ~~[a majority of a quorum]~~ two-thirds of all members present at a taxing entity committee
1147 meeting at which a quorum is present.

1148 (6) (a) An agency may call a meeting of the taxing entity committee by sending written
1149 notice to the members of the taxing entity committee at least ten days before the date of the
1150 meeting.

1151 (b) Each notice under Subsection (6)(a) shall be accompanied by:

1152 (i) the proposed agenda for the taxing entity committee meeting; and

1153 (ii) if not previously provided and if they exist and are to be considered at the meeting:

1154 (A) the urban renewal or economic development project area plan or proposed plan;

1155 (B) the urban renewal or economic development project area budget or proposed
1156 budget;

1157 (C) the analysis required under Subsection 17C-2-103(2) or 17C-3-103(2);

1158 (D) the blight study;

1159 (E) the agency's resolution making a finding of blight under Subsection
1160 17C-2-102(1)(a)(iv)(B); and

1161 (F) other documents to be considered by the taxing entity committee at the meeting.

1162 (7) (a) A taxing entity committee may not vote on a proposed urban renewal or
1163 economic development project area budget or proposed amendment to an urban renewal or
1164 economic development project area budget at the first meeting at which the proposed budget or
1165 amendment is considered unless all members of the taxing entity committee present at the
1166 meeting consent.

1167 (b) A second taxing entity committee meeting to consider an urban renewal or
1168 economic development project area budget or a proposed amendment to an urban renewal or
1169 economic development project area budget may not be held within 14 days after the first
1170 meeting unless all members of the taxing entity committee present at the first meeting consent.

1171 (8) Each taxing entity committee shall meet at least annually during the time that the
1172 agency receives tax increment under an urban renewal or economic development project area

1173 budget in order to review the status of the project area.

1174 ~~[(6)]~~ (9) Each taxing entity committee shall be governed by Title 52, Chapter 4, Open
1175 and Public Meetings.

1176 ~~[(7)]~~ (10) Each time a school district representative or a representative of the State
1177 Board of Education votes as a member of a taxing entity committee to allow an agency to be
1178 paid tax increment or to increase the amount or length of time that an agency may be paid tax
1179 increment, that representative shall, within 45 days after the vote, provide to the
1180 representative's respective school board an explanation in writing of the representative's vote
1181 and the reasons for the vote.

1182 ~~[(8)]~~ (11) (a) The ~~[assessor]~~ auditor of each county in which the agency is located shall
1183 provide a written report to the taxing entity committee stating, with respect to property within
1184 each urban renewal and economic development project area:

1185 (i) the base taxable value, as adjusted by any adjustments under Section~~[-17B-4-1006]~~
1186 17C-1-408; and

1187 (ii) the assessed value.

1188 (b) With respect to the information required under Subsection ~~[(8)]~~ (11)(a), the
1189 ~~[assessor]~~ auditor shall provide:

1190 (i) actual amounts for each year from the adoption of the urban renewal and economic
1191 development project area plan to the time of the report; and

1192 (ii) estimated amounts for each year beginning the year after the time of the report and
1193 ending the time that the agency expects no longer to be paid tax increment from property
1194 within the urban renewal and economic development project area.

1195 (c) The ~~[assessor]~~ auditor of the county in which the agency is located shall provide a
1196 report under this Subsection ~~[(8)]~~ (11):

1197 (i) at least annually; and

1198 (ii) upon request of the taxing entity committee, before a taxing entity committee
1199 meeting at which the committee will consider whether to allow the agency to be paid tax
1200 increment or to increase the amount of tax increment that the agency may be paid or the length
1201 of time that the agency may be paid tax increment.

1202 (12) This section does not apply to a community development project area plan.

1203 Section 26. Section **17C-1-403**, which is renumbered from Section 17B-4-1003 is

1204 renumbered and amended to read:

1205 ~~[17B-4-1003].~~ 17C-1-403. Tax increment under a pre-July 1, 1993 project
1206 area plan.

1207 (1) This section applies to tax increment under a pre-July 1, 1993 project area plan
1208 only.

1209 (2) (a) Beginning with the first tax year after April 1, 1983 for which an agency accepts
1210 tax increment, an agency may be paid:

1211 (i) (A) for the first through the fifth tax years, 100% of tax increment;

1212 (B) for the sixth through the tenth tax years, 80% of tax increment;

1213 (C) for the eleventh through the fifteenth tax years, 75% of tax increment;

1214 (D) for the sixteenth through the twentieth tax years, 70% of tax increment; and

1215 (E) for the twenty-first through the twenty-fifth tax years, 60% of tax increment; or

1216 (ii) for an agency that has caused a taxing entity committee to be created under

1217 Subsection ~~[17B-4-1002]~~ 17C-1-402(1), any percentage of tax increment up to 100% and for
1218 any length of time that the taxing entity committee approves.

1219 (b) Notwithstanding any other provision of this section:

1220 (i) an agency may be paid 100% of tax increment from a project area for 32 years after
1221 April 1, 1983 to pay principal and interest on agency indebtedness incurred before April 1,
1222 1983, even though the size of the project area from which tax increment is paid to the agency
1223 exceeds 100 acres of privately owned property under a project area plan adopted on or before
1224 April 1, 1983; and

1225 (ii) for up to 32 years after April 1, 1983, an agency debt incurred before April 1, 1983
1226 may be refinanced and paid from 100% of tax increment if the principal amount of the debt is
1227 not increased in the refinancing.

1228 (3) (a) For purposes of this Subsection (3), "additional tax increment" means the
1229 difference between 100% of tax increment for a tax year and the amount of tax increment an
1230 agency is paid for that tax year under the percentages and time periods specified in Subsection
1231 (2)(a).

1232 (b) Notwithstanding the tax increment percentages and time periods in Subsection
1233 (2)(a) ~~[and Subsection 17B-4-403(1)(m)(i)]~~, an agency may be paid additional tax increment
1234 for a period ending 32 years after the first tax year after April 1, 1983 for which the agency

1235 receives tax increment from the project area if:

1236 (i) (A) the additional tax increment is used solely to pay all or part of the value of the
1237 land for and the cost of the installation and construction of a publicly or privately owned
1238 convention center or sports complex or any building, facility, structure, or other improvement
1239 related to the convention center or sports complex, including parking and infrastructure
1240 improvements;

1241 (B) construction of the convention center or sports complex or related building,
1242 facility, structure, or other improvement is commenced on or before June 30, 2002;

1243 (C) the additional tax increment is pledged to pay all or part of the value of the land for
1244 and the cost of the installation and construction of the convention center or sports complex or
1245 related building, facility, structure, or other improvement; and

1246 (D) the agency board and the community legislative body have determined by
1247 resolution that the convention center or sports complex is:

1248 (I) within and a benefit to a project area;

1249 (II) not within but still a benefit to a project area; or

1250 (III) within a project area in which substantially all of the land is publicly owned and a
1251 benefit to the community; or

1252 ~~[(i)]~~ (ii) (A) the additional tax increment is used to pay some or all of the cost of the
1253 land for and installation and construction of a recreational facility, as defined in Section
1254 59-12-702, or a cultural facility, including parking and infrastructure improvements related to
1255 the recreational or cultural facility, whether or not the facility is located within a project area;

1256 ~~[(ii)]~~ (B) construction of the recreational or cultural facility is commenced on or before
1257 December 31, 2005; and

1258 ~~[(iii)]~~ (C) the additional tax increment is pledged on or before July 1, 2005, to pay all
1259 or part of the cost of the land for and the installation and construction of the recreational or
1260 cultural facility, including parking and infrastructure improvements related to the recreational
1261 or cultural facility.

1262 (c) Notwithstanding Subsection (3)(b)~~(ii)~~, a school district may not, without its
1263 consent, be paid less tax increment because of application of Subsection (3)(b)~~(ii)~~ than it would
1264 have been paid without that subsection.

1265 (4) Notwithstanding any other provision of this section, an agency may use tax

1266 increment received under Subsection (2) for any of the uses indicated in Subsection (3).

1267 Section 27. Section **17C-1-404**, which is renumbered from Section 17B-4-1004 is
1268 renumbered and amended to read:

1269 ~~[17B-4-1004]~~. **17C-1-404**. **Tax increment under a post-June 30, 1993**
1270 **project area plan.**

1271 (1) This section applies to tax increment under a post-June 30, 1993 project area plan
1272 adopted before May 1, 2006, only.

1273 (2) An agency board may provide in the project area budget for the agency to be paid:

1274 (a) if 20% of the project area budget is allocated for housing under Section
1275 ~~[17B-4-504]~~ 17C-2-203:

1276 (i) 100% of annual tax increment for 15 years;

1277 (ii) 75% of annual tax increment for 24 years; or

1278 (iii) if approved by the taxing entity committee, any percentage of tax increment up to
1279 100%, or any specified dollar amount, for any period of time; or

1280 (b) if 20% of the project area budget is not allocated for housing under Section
1281 ~~[17B-4-504]~~ 17C-2-203:

1282 (i) 100% of annual tax increment for 12 years;

1283 (ii) 75% of annual tax increment for 20 years; or

1284 (iii) if approved by the taxing entity committee, any percentage of tax increment up to
1285 100%, or any specified dollar amount, for any period of time.

1286 ~~[(3)(a) An agency may, without the approval of the taxing entity committee, elect to be~~
1287 ~~paid 100% of annual tax increment for each year beyond the periods specified in Subsection (2)~~
1288 ~~to a maximum of 25 years, including the years the agency is paid tax increment under~~
1289 ~~Subsection (2), if:]~~

1290 ~~[(i) for an agency in a city in which is located all or a portion of an interchange on I-15~~
1291 ~~or that would directly benefit from an interchange on I-15:]~~

1292 ~~[(A) the tax increment paid to the agency during the additional years is used to pay~~
1293 ~~some or all of the cost of the installation, construction, or reconstruction of:]~~

1294 ~~[(F) an interchange on I-15, whether or not the interchange is located within a project~~
1295 ~~area; or]~~

1296 ~~[(H) frontage and other roads connecting to the interchange, as determined by the~~

1297 ~~Department of Transportation created under Section 72-1-201 and the Transportation~~
1298 ~~Commission created under Section 72-1-301, whether or not the frontage or other road is~~
1299 ~~located within a project area; and]~~

1300 ~~[(B) the installation, construction, or reconstruction of the interchange or frontage and~~
1301 ~~other roads has begun on or before June 30, 2002;]~~

1302 ~~[(ii) for an agency in a city of the first or second class:]~~

1303 ~~[(A) the tax increment paid to the agency during the additional years is used to pay~~
1304 ~~some or all of the cost of the land for and installation and construction of a recreational facility,~~
1305 ~~as defined in Section 59-12-702, or a cultural facility, including parking and infrastructure~~
1306 ~~improvements related to the recreational or cultural facility, whether or not the facility is~~
1307 ~~located within a project area; and]~~

1308 ~~[(B) the installation or construction of the recreational or cultural facility has begun on~~
1309 ~~or before June 30, 2002;]~~

1310 ~~[(b) Notwithstanding any other provision of this section, an agency may use tax~~
1311 ~~increment received under Subsection (2) for any of the uses indicated in this Subsection (3).]~~

1312 ~~[(c) Notwithstanding Subsection (3)(a), a school district may not, without its consent,~~
1313 ~~receive less tax increment because of application of Subsection (3)(a) than it would have~~
1314 ~~received without that subsection.]~~

1315 ~~[(4) An agency may not be paid tax increment from the project area for more than 25~~
1316 ~~years.]~~

1317 ~~[(5) (a) A school district that levies a tax on property located within a project area~~
1318 ~~under an education housing development project area plan may elect not to allow the agency to~~
1319 ~~be paid tax increment from the property tax revenues generated by the school district.]~~

1320 ~~[(b) An election under Subsection (5)(a) shall be made in writing to the agency before~~
1321 ~~the taxing entity committee's approval of the project area budget.]~~

1322 ~~[(c) If a school district makes an election under this Subsection (5):]~~

1323 ~~[(i) the agency may not be paid tax increment from property tax revenues generated by~~
1324 ~~the school district; and]~~

1325 ~~[(ii) the school district representatives and the State Board of Education representative~~
1326 ~~on the taxing entity committee may not vote on any matter concerning the education housing~~
1327 ~~development project area or project area budget.]~~

1328 Section 28. Section **17C-1-405** is enacted to read:

1329 **17C-1-405. Tax increment under a project area plan adopted on or after May 1,**
1330 **2006.**

1331 (1) This section applies to tax increment under a project area plan adopted on or after
1332 May 1, 2006.

1333 (2) Subject to the approval of the taxing entity committee, an agency board may
1334 provide in the project area budget for the agency to be paid any percentage of tax increment up
1335 to 100% or any specified dollar amount of tax increment for any period of time.

1336 Section 29. Section **17C-1-406** is enacted to read:

1337 **17C-1-406. Additional tax increment under certain post-June 30, 1993 project**
1338 **area plans.**

1339 (1) This section applies to a post-June 30, 1993 project area plan adopted before May
1340 1, 2006.

1341 (2) An agency may, without the approval of the taxing entity committee, elect to be
1342 paid 100% of annual tax increment for each year beyond the periods specified in Subsection
1343 17C-1-404(2) to a maximum of 25 years, including the years the agency is paid tax increment
1344 under Subsection 17C-1-404(2), if:

1345 (a) for an agency in a city in which is located all or a portion of an interchange on I-15
1346 or that would directly benefit from an interchange on I-15:

1347 (i) the tax increment paid to the agency during the additional years is used to pay some
1348 or all of the cost of the installation, construction, or reconstruction of:

1349 (A) an interchange on I-15, whether or not the interchange is located within a project
1350 area; or

1351 (B) frontage and other roads connecting to the interchange, as determined by the
1352 Department of Transportation created under Section 72-1-201 and the Transportation
1353 Commission created under Section 72-1-301, whether or not the frontage or other road is
1354 located within a project area; and

1355 (ii) the installation, construction, or reconstruction of the interchange or frontage and
1356 other roads has begun on or before June 30, 2002; or

1357 (b) for an agency in a city of the first or second class:

1358 (i) the tax increment paid to the agency during the additional years is used to pay some

1359 or all of the cost of the land for and installation and construction of a recreational facility, as
 1360 defined in Section 59-12-702, or a cultural facility, including parking and infrastructure
 1361 improvements related to the recreational or cultural facility, whether or not the facility is
 1362 located within a project area; and

1363 (ii) the installation or construction of the recreational or cultural facility has begun on
 1364 or before June 30, 2002.

1365 (3) Notwithstanding any other provision of this section, an agency may use tax
 1366 increment received under Subsection 17C-1-404(2) for any of the uses indicated in this section.

1367 (4) Notwithstanding Subsection (2), a school district may not, without its consent,
 1368 receive less tax increment because of application of Subsection (2) than it would have received
 1369 without that subsection.

1370 Section 30. Section **17C-1-407**, which is renumbered from Section 17B-4-1005 is
 1371 renumbered and amended to read:

1372 ~~[17B-4-1005].~~ **17C-1-407. Limitations on tax increment.**

1373 (1) (a) If the development of retail sales of goods is the primary objective of ~~[the]~~ an
 1374 urban renewal project area, tax increment from the urban renewal project area may not be paid
 1375 to or used by an agency unless a finding of blight is made under Chapter 2, Part [6] 3, Blight
 1376 Determination in ~~[Redevelopment]~~ Urban Renewal Project Areas.

1377 (b) ~~[Incidental or subordinate development]~~ Development of retail sales of goods does
 1378 not disqualify an agency from receiving tax increment.

1379 (c) ~~[From]~~ After July 1, 2005 ~~[through June 30, 2006]~~, an agency may not be paid or
 1380 use tax increment generated from the value of property within an economic development ~~[or~~
 1381 ~~education housing development]~~ project area that is attributable to the development of retail
 1382 sales of goods, unless the tax increment was previously pledged to pay for bonds or other
 1383 contractual obligations of the agency.

1384 (2) (a) An agency may not be paid any portion of a taxing entity's taxes resulting from
 1385 an increase in the taxing entity's tax rate that occurs after the taxing entity committee approves
 1386 the project area budget unless, at the time the taxing entity committee approves the project area
 1387 budget, the taxing entity committee approves payment of those increased taxes to the agency.

1388 (b) If the taxing entity committee does not approve of payment of the increased taxes to
 1389 the agency under Subsection (2)(a), the county shall distribute to the taxing entity the taxes

1390 attributable to the tax rate increase in the same manner as other property taxes.

1391 Section 31. Section **17C-1-408**, which is renumbered from Section 17B-4-1006 is
1392 renumbered and amended to read:

1393 ~~[17B-4-1006]~~. **17C-1-408**. **Base taxable value to be adjusted to reflect other**
1394 **changes.**

1395 (1) (a) (i) As used in this Subsection (1), "qualifying decrease" means:

1396 (A) a decrease of more than 20% from the previous tax year's levy; or

1397 (B) a cumulative decrease over a consecutive five-year period of more than 100% from
1398 the levy in effect at the beginning of the five-year period.

1399 (ii) The year in which a qualifying decrease under Subsection (1)(a)(i)(B) occurs is the
1400 fifth year of the five-year period.

1401 (b) If there is a qualifying decrease in the minimum basic school levy under Section
1402 59-2-902 that would result in a reduction of the amount of tax increment to be paid to an
1403 agency:

1404 (i) the base taxable value of taxable property within the project area shall be reduced in
1405 the year of the qualifying decrease to the extent necessary, even if below zero, to provide the
1406 agency with approximately the same amount of tax increment that would have been paid to the
1407 agency each year had the qualifying decrease not occurred; and

1408 (ii) the amount of tax increment paid to the agency each year for the payment of bonds
1409 and indebtedness may not be less than what would have been paid to the agency if there had
1410 been no qualifying decrease.

1411 (2) (a) The amount of the base taxable value to be used in determining tax increment
1412 shall be:

1413 (i) increased or decreased by the amount of an increase or decrease that results from:

1414 (A) a statute enacted by the Legislature or by the people through an initiative;

1415 (B) a judicial decision;

1416 (C) an order from the State Tax Commission to a county to adjust or factor its
1417 assessment rate under Subsection 59-2-704(2);

1418 (D) a change in exemption provided in Utah Constitution Article XIII, Section 2, or
1419 Section 59-2-103; or

1420 (E) an increase or decrease in the percentage of fair market value, as defined under

1421 Section 59-2-102; and

1422 (ii) reduced for any year to the extent necessary, even if below zero, to provide an
1423 agency with approximately the same amount of money the agency would have received without
1424 a reduction in the county's certified tax rate if:

1425 (A) in that year there is a decrease in the county's certified tax rate under Subsection
1426 59-2-924(2)(c) or (d)(i);

1427 (B) the amount of the decrease is more than 20% of the county's certified tax rate of the
1428 previous year; and

1429 (C) the decrease would result in a reduction of the amount of tax increment to be paid
1430 to the agency.

1431 (b) Notwithstanding an increase or decrease under Subsection (2)(a), the amount of tax
1432 increment paid to an agency each year for payment of bonds or other indebtedness may not be
1433 less than would have been paid to the agency each year if there had been no increase or
1434 decrease under Subsection (2)(a).

1435 Section 32. Section **17C-1-409**, which is renumbered from Section 17B-4-1007 is
1436 renumbered and amended to read:

1437 ~~[17B-4-1007]~~. **17C-1-409. Allowable uses of tax increment and sales tax.**

1438 (1) (a) An agency may use tax increment and sales tax proceeds received from a taxing
1439 entity:

1440 (i) for any of the purposes for which the use of tax increment is authorized under this
1441 [chapter] title;

1442 (ii) for administrative, overhead, legal, and other operating expenses of the agency; or

1443 ~~[(ii)]~~ (iii) to pay for, including financing or refinancing, all or part of:

1444 (A) the ~~[redevelopment]~~ urban renewal, economic development, or ~~[education housing]~~
1445 community development in the project area from which the tax increment funds were collected;

1446 (B) housing expenditures, projects, or programs as provided in Section ~~[17B-4-1009]~~

1447 17C-1-411 or ~~[17B-4-1010]~~ 17C-1-412;

1448 (C) with the consent of the community legislative body and subject to Subsection ~~[(3)]~~

1449 (6), the value of the land for and the cost of the installation and construction of any publicly

1450 owned building, facility, structure, landscaping, or other improvement within the project area

1451 from which the tax increment funds were collected; and

1452 (D) with the consent of the community legislative body and the taxing entity
1453 committee, the cost of the installation of publicly owned [~~utilities and access~~] infrastructure
1454 and improvements outside the project area from which the tax increment funds were collected
1455 if the agency board and the community legislative body determine by resolution that the
1456 [~~utilities and access~~] publicly owned infrastructure and improvements are of benefit to the
1457 project area[~~;~~or].

1458 [~~(iii) for administrative, overhead, legal, and other operating expenses of the agency.]~~

1459 (b) The determination of the agency board and the community legislative body under
1460 Subsection (1)(a)[~~(ii)~~](iii)(D) regarding benefit to the project area shall be final and conclusive.

1461 (2) Sales tax proceeds that an agency receives from another public entity are not
1462 subject to the prohibition or limitations of Title 11, Chapter 41, Prohibition on Sales and Use
1463 Tax Incentive Payments Act.

1464 (3) An agency may use sales tax proceeds it receives under a resolution or interlocal
1465 agreement under Section 17C-4-201 for the uses authorized in the resolution or interlocal
1466 agreement.

1467 [~~(2)~~] (4) (a) An agency may contract with the community that created the agency or
1468 another public entity to use tax increment to reimburse the cost of items authorized by this
1469 [~~chapter~~] title to be paid by the agency that have been or will be paid by the community or
1470 other public entity.

1471 (b) If land has been or will be acquired or the cost of an improvement has been or will
1472 be paid by another public entity and the land or improvement has been or will be leased to the
1473 community, an agency may contract with and make reimbursement from tax increment funds to
1474 the community.

1475 (5) An agency created by a city of the first or second class may use tax increment from
1476 one project area in another project area to pay all or part of the value of the land for and the
1477 cost of the installation and construction of a publicly or privately owned convention center or
1478 sports complex or any building, facility, structure, or other improvement related to the
1479 convention center or sports complex, including parking and infrastructure improvements, if:

1480 (a) construction of the convention center or sports complex or related building, facility,
1481 structure, or other improvement is commenced on or before June 30, 2002; and

1482 (b) the tax increment is pledged to pay all or part of the value of the land for and the

1483 cost of the installation and construction of the convention center or sports complex or related
 1484 building, facility, structure, or other improvement.

1485 [~~(3)~~] (6) Notwithstanding any other provision of this [~~chapter~~] title, an agency may not
 1486 use tax increment to construct municipal buildings, courts or other judicial buildings, or fire
 1487 stations.

1488 [~~(4)~~] (7) Notwithstanding any other provision of this [~~chapter~~] title, an agency may not
 1489 use tax increment under an urban renewal or economic development project area plan, to pay
 1490 any of the cost of the land, infrastructure, or construction of a stadium or arena constructed
 1491 after March 1, 2005, unless the tax increment has been pledged for that purpose before
 1492 February 15, 2005.

1493 Section 33. Section **17C-1-410**, which is renumbered from Section 17B-4-1008 is
 1494 renumbered and amended to read:

1495 [~~17B-4-1008~~]. **17C-1-410. Agency may make payments to other taxing**
 1496 **entities.**

1497 (1) [~~Am~~] Subject to Subsection (3), an agency may grant tax increment or other agency
 1498 funds to a taxing entity to offset some or all of the tax revenues that the taxing entity did not
 1499 receive because of tax increment paid to the agency.

1500 (2) (a) [~~Am~~] Subject to Subsection (3), an agency may use tax increment or other
 1501 agency funds to pay to a school district an amount of money that the agency determines to be
 1502 appropriate to alleviate a financial burden or detriment borne by the school district because of
 1503 the [~~redevelopment~~] urban renewal, economic development, or [~~education housing~~] community
 1504 development.

1505 (b) Each agency that agrees to pay money to a school district under the authority of
 1506 Subsection (2)(a) shall provide a copy of that agreement to the State Board of Education.

1507 (3) (a) If an agency intends to pay agency funds to one or more taxing entities under
 1508 Subsection (1) or (2) but does not intend to pay funds to all taxing entities in proportionally
 1509 equal amounts, the agency shall provide written notice to each taxing entity of its intent.

1510 (b) (i) A taxing entity receiving notice under Subsection (3)(a) may elect not to have its
 1511 tax increment collected and used to pay funds to other taxing entities under this section.

1512 (ii) Each election under Subsection (3)(b)(i) shall be:

1513 (A) in writing; and

1514 (B) delivered to the agency within 30 days after the taxing entity's receipt of the notice
1515 under Subsection (3)(a).

1516 (c) If a taxing entity makes an election under Subsection (3)(b), the portion of that
1517 taxing entity's tax increment that would have been used by the agency to pay funds under this
1518 section to one or more other taxing entities may not be collected from the taxing entity.

1519 Section 34. Section **17C-1-411**, which is renumbered from Section 17B-4-1009 is
1520 renumbered and amended to read:

1521 ~~[17B-4-1009].~~ **17C-1-411. Agency may use tax increment for housing costs**
1522 **in other project areas -- Funds to be held in separate accounts.**

1523 ~~[(1) For purposes of this section, "affordable housing" means housing to be owned or~~
1524 ~~occupied by persons and families of low or moderate income, as determined by resolution of~~
1525 ~~the agency.]~~

1526 ~~[(2)]~~ (1) An agency may:

1527 (a) use tax increment from a project area to pay all or part of the value of the land for
1528 and the cost of installation, construction, and rehabilitation of any building, facility, structure,
1529 or other housing improvement, including infrastructure improvements related to housing,
1530 located in any project area within the agency's boundaries; and

1531 (b) use up to 20% of tax increment outside of project areas for the purpose of replacing
1532 housing units lost by ~~[redevelopment]~~ urban renewal, economic development, or ~~[education~~
1533 ~~housing]~~ community development, or increasing, improving, and preserving generally the
1534 affordable housing supply of the community that created the agency.

1535 ~~[(3)]~~ (2) (a) Each agency shall separately account for funds allocated under this section.

1536 (b) Interest earned by the housing fund and any payments or repayments made to the
1537 agency for loans, advances, or grants of any kind from the fund, shall accrue to the housing
1538 fund.

1539 (c) Each agency designating a housing fund under this section shall use the fund for:

1540 (i) the purposes set forth in this section; or

1541 (ii) the purposes set forth in this ~~[chapter]~~ title relating to the ~~[redevelopment]~~ urban
1542 renewal, economic development, or ~~[education housing]~~ community development project area
1543 from which the funds originated.

1544 ~~[(4)]~~ (3) An agency may lend, grant, or contribute funds from the housing fund to a

1545 person, public entity, housing authority, private entity or business, or nonprofit corporation for
1546 affordable housing.

1547 Section 35. Section **17C-1-412**, which is renumbered from Section 17B-4-1010 is
1548 renumbered and amended to read:

1549 ~~[17B-4-1010].~~ **17C-1-412. Income targeted housing -- Agency may use tax**
1550 **increment for income targeted housing.**

1551 ~~[(1) As used in this section:]~~

1552 ~~[(a) "Annual income" has the meaning as defined under regulations of the U.S.~~
1553 ~~Department of Housing and Urban Development, 24 CFR, Part 813, as amended or as~~
1554 ~~superseded by replacement regulations:]~~

1555 ~~[(b) "Fair share ratio" means the ratio derived by:]~~

1556 ~~[(i) for a city or town, comparing the percentage of all housing units within the city or~~
1557 ~~town that are publicly subsidized income targeted housing units to the percentage of all~~
1558 ~~housing units within the whole county that are publicly subsidized income targeted housing~~
1559 ~~units; or]~~

1560 ~~[(ii) for the unincorporated part of a county, comparing the percentage of all housing~~
1561 ~~units within the unincorporated county that are publicly subsidized income targeted housing~~
1562 ~~units to the percentage of all housing units within the whole county that are publicly subsidized~~
1563 ~~income targeted housing units:]~~

1564 ~~[(c) "Family" has the meaning as defined under regulations of the U.S. Department of~~
1565 ~~Housing and Urban Development, 24 CFR, Part 813, as amended or as superseded by~~
1566 ~~replacement regulations:]~~

1567 ~~[(d) "Housing funds" means the funds allocated in the project area budget under~~
1568 ~~Section 17B-4-504 for the purposes provided in Subsection (2):]~~

1569 ~~[(e) "Income targeted housing" means housing to be owned or occupied by a family~~
1570 ~~whose annual income is at or below 80% of the median annual income for the county in which~~
1571 ~~the housing is located:]~~

1572 ~~[(f) "Unincorporated" means not within a city or town.]~~

1573 ~~[(2)]~~ (1) (a) Each agency shall use all funds allocated for housing under this section to:

1574 (i) pay part or all of the cost of land or construction of income targeted housing within
1575 the community that created the agency, if practicable in a mixed income development or area;

1576 (ii) pay part or all of the cost of rehabilitation of income targeted housing within the
1577 community that created the agency;

1578 (iii) pay part or all of the cost of land or installation, construction, or rehabilitation of
1579 any building, facility, structure, or other housing improvement, including infrastructure
1580 improvements, related to housing located in a project area where blight has been found to exist;

1581 (iv) replace housing units lost as a result of the [~~redevelopment~~] urban renewal,
1582 economic development, or [~~education housing~~] community development;

1583 (v) make payments on or establish a reserve fund for bonds:

1584 (A) issued by the agency, the community, or the housing authority that provides
1585 income targeted housing within the community; and

1586 (B) all or part of the proceeds of which are used within the community for the purposes
1587 stated in Subsection [~~(2)~~] (1)(a)(i), (ii), (iii), or (iv); or

1588 (vi) if the community's fair share ratio at the time of the first adoption of the project
1589 area budget is at least 1.1 to 1.0, make payments on bonds:

1590 (A) that were previously issued by the agency, the community, or the housing authority
1591 that provides income targeted housing within the community; and

1592 (B) all or part of the proceeds of which were used within the community for the
1593 purposes stated in Subsection [~~(2)~~] (1)(a)(i), (ii), (iii), or (iv).

1594 (b) As an alternative to the requirements of Subsection [~~(2)~~] (1)(a), an agency may pay
1595 all or any portion of housing funds to:

1596 (i) the community for use as provided under Subsection [~~(2)~~] (1)(a);

1597 (ii) the housing authority that provides income targeted housing within the community
1598 for use in providing income targeted housing within the community; or

1599 (iii) the Olene Walker Housing Loan Fund, established under Title 9, Chapter 4, Part 7,
1600 Olene Walker Housing Loan Fund, for use in providing income targeted housing within the
1601 community.

1602 [~~(3)~~] (2) The agency or community shall separately account for the housing funds,
1603 together with all interest earned by the housing funds and all payments or repayments for loans,
1604 advances, or grants from the housing funds.

1605 [~~(4)~~] (3) In using housing funds under Subsection [~~(2)~~] (1)(a), an agency may lend,
1606 grant, or contribute housing funds to a person, public body, housing authority, private entity or

1607 business, or nonprofit organization for use as provided in Subsection [(2)] (1)(a).

1608 [(5)] (4) An agency may:

1609 (a) issue bonds from time to time to finance a housing undertaking under this section,
1610 including the payment of principal and interest upon advances for surveys and plans or
1611 preliminary loans; and

1612 (b) issue refunding bonds for the payment or retirement of bonds under Subsection
1613 [(5)] (4)(a) previously issued by the agency.

1614 [(6)] (5) (a) If an agency fails to provide housing funds in accordance with the project
1615 area budget and, if applicable, the housing plan adopted under Subsection [17B-4-505]
1616 17C-2-204(2), the loan fund board may bring legal action to compel the agency to provide the
1617 housing funds.

1618 (b) In an action under Subsection [(6)] (5)(a), the court:

1619 (i) shall award the loan fund board a reasonable attorney's fee, unless the court finds
1620 that the action was frivolous; and

1621 (ii) may not award the agency its attorney's fees, unless the court finds that the action
1622 was frivolous.

1623 Section 36. Section 17C-1-413, which is renumbered from Section 17B-4-1011 is
1624 renumbered and amended to read:

1625 ~~[17B-4-1011].~~ **17C-1-413. Base taxable value for new tax.**

1626 For purposes of calculating tax increment with respect to a tax that a taxing entity levies
1627 for the first time after the effective date of the project area plan, the base taxable value shall be
1628 used, subject to any adjustments under Section [17B-4-1006] 17C-1-408.

1628a **H→ Section 37. Section 17C-1-414 is enacted to read:**

1628b **17C-1-414. Project area boundaries that divide a tax parcel -- Deletion of parcel from**
1628c **tax increment calculation.**

1628d **(1) If the boundaries of a project area, as described in the project area plan, include**
1628e **part of a tax parcel and exclude part of the same tax parcel, the agency shall provide the**
1628f **assessor of the county in which the project area is located a metes and bounds description of**
1628g **the part of the tax parcel included within the project area boundaries.**

1628h **(2) If an agency fails to comply with the requirement of Subsection (1), the assessor of**
1628i **the county in which the tax parcel is located may exclude that parcel from the project area for**
1628j **purposes of calculating tax increment to be paid to the agency until the agency complies with**
1628k **the requirement of Subsection (1).** ←H

1629 Section H→ [37] 38 ←H . Section 17C-1-501, which is renumbered from Section
17B-4-1201 is

1630 renumbered and amended to read:

1631 **Part 5. Agency Bonds**

1632 ~~[17B-4-1201].~~ **17C-1-501. Resolution authorizing issuance of agency bonds**

1633 **-- Characteristics of bonds.**

1634 (1) An agency may not issue bonds under this part unless the agency board first adopts
1635 a resolution authorizing their issuance.

1636 (2) (a) As provided in the agency resolution authorizing the issuance of bonds under
1637 this part or the trust indenture under which the bonds are issued, bonds issued under this part

1638 may be issued in one or more series and may be sold at public or private sale and in the manner
1639 provided in the resolution or indenture.

1640 (b) Bonds issued under this part shall bear the date, be payable at the time, bear interest
1641 at the rate, be in the denomination and in the form, carry the conversion or registration
1642 privileges, have the rank or priority, be executed in the manner, be subject to the terms of
1643 redemption or tender, with or without premium, be payable in the medium of payment and at
1644 the place, and have other characteristics as provided in the agency resolution authorizing their
1645 issuance or the trust indenture under which they are issued.

1646 Section ~~H~~→ [38] 39 ←~~H~~ . Section **17C-1-502**, which is renumbered from Section
1646a 17B-4-1202 is

1647 renumbered and amended to read:

1648 ~~[17B-4-1202]~~. **17C-1-502**. **Sources from which bonds may be made payable**

1649 **-- Agency powers regarding bonds.**

1650 (1) The principal and interest on bonds issued by an agency may be made payable
1651 from:

1652 (a) the income and revenues of the projects financed with the proceeds of the bonds;

1653 (b) the income and revenues of certain designated projects whether or not they were
1654 financed in whole or in part with the proceeds of the bonds;

1655 (c) the income, proceeds, revenues, property, and funds of the agency derived from or
1656 held in connection with its undertaking and carrying out [~~redevelopment~~] urban renewal,

1657 economic development, or [~~education housing~~] community development;

1658 (d) tax increment funds;

1659 (e) agency revenues generally;

1660 (f) a contribution, loan, grant, or other financial assistance from the federal government
1661 or a public entity in aid of [~~redevelopment~~] urban renewal, economic development, or
1662 [~~education housing~~] community development; or

1663 (g) funds derived from any combination of the methods listed in Subsections (1)(a)
1664 through (f).

1665 (2) In connection with the issuance of agency bonds, an agency may:

1666 (a) pledge all or any part of its gross or net rents, fees, or revenues to which its right
1667 then exists or may thereafter come into existence;

1668 (b) encumber by mortgage, deed of trust, or otherwise all or any part of its real or

1669 personal property, then owned or thereafter acquired; and

1670 (c) make the covenants and take the action that may be necessary, convenient, or
 1671 desirable to secure its bonds, or, except as otherwise provided in this chapter, that will tend to
 1672 make the bonds more marketable, even though such covenants or actions are not specifically
 1673 enumerated in this chapter.

1674 Section ~~H~~→ [39] 40 ←~~H~~ . Section 17C-1-503, which is renumbered from Section
 1674a 17B-4-1203 is
 1675 renumbered and amended to read:

1676 ~~[17B-4-1203]~~. 17C-1-503. Signature of officer who leaves office.

1677 If an agency officer whose signature appears on a bond issued under this part leaves
 1678 office before delivery of the bond, the signature shall continue to be valid as if the official had
 1679 remained in office until delivery of the bond.

1680 Section ~~H~~→ [40] 41 ←~~H~~ . Section 17C-1-504, which is renumbered from Section
 1680a 17B-4-1204 is
 1681 renumbered and amended to read:

1682 ~~[17B-4-1204]~~. 17C-1-504. Contesting the legality of resolution authorizing
 1683 bonds -- Time limit -- Presumption.

1684 (1) Any person may contest the legality of the resolution authorizing issuance of the
 1685 bonds or any provisions for the security and payment of the bonds for a period of 30 days after:

1686 (a) publication of the resolution authorizing the bonds; or

1687 (b) publication of a notice of bonds containing substantially the items required under
 1688 Subsection 11-14-316(2).

1689 (2) After the 30-day period under Subsection (1), no lawsuit or other proceeding may
 1690 be brought contesting the regularity, formality, or legality of the bonds for any reason.

1691 (3) In a lawsuit or other proceeding involving the question of whether a bond issued
 1692 under this part is valid or enforceable or involving the security for a bond, if a bond recites that
 1693 the agency issued the bond in connection with [~~a redevelopment~~] an urban renewal, economic
 1694 development, or [~~education housing~~] community development project:

1695 (a) the bond shall be conclusively presumed to have been issued for that purpose; and

1696 (b) the project area plan and project area shall be conclusively presumed to have been
 1697 properly formed, adopted, planned, located, and carried out in accordance with this [~~chapter~~]
 1698 title.

1699 Section ~~H~~→ [41] 42 ←~~H~~ . Section 17C-1-505, which is renumbered from Section
 1699a 17B-4-1205 is

1700 renumbered and amended to read:

1701 ~~[17B-4-1205]~~. 17C-1-505. **Authority to purchase agency bonds.**

1702 (1) Any person, firm, corporation, association, political subdivision of the state, or
1703 other entity or public or private officer may purchase bonds issued by an agency under this part
1704 with funds owned or controlled by the purchaser.

1705 (2) Nothing in this section may be construed to relieve a purchaser of agency bonds of
1706 any duty to exercise reasonable care in selecting securities.

1707 Section ~~H~~→ [42] 43 ←~~H~~ . Section **17C-1-506**, which is renumbered from Section
1707a 17B-4-1206 is

1708 renumbered and amended to read:

1709 ~~[17B-4-1206]~~. 17C-1-506. **Those executing bonds not personally liable --**
1710 **Limitation of obligations under bonds -- Negotiability.**

1711 (1) A member of an agency board or other person executing an agency bond is not
1712 liable personally on the bond.

1713 (2) (a) A bond issued by an agency is not a general obligation or liability of the
1714 community, the state, or any of its political subdivisions and does not constitute a charge
1715 against their general credit or taxing powers.

1716 (b) A bond issued by an agency is not payable out of any funds or properties other than
1717 those of the agency.

1718 (c) The community, the state, and its political subdivisions may not be liable on a bond
1719 issued by an agency.

1720 (d) A bond issued by an agency does not constitute indebtedness within the meaning of
1721 any constitutional or statutory debt limitation.

1722 (3) A bond issued by an agency under this part is fully negotiable.

1723 Section ~~H~~→ [43] 44 ←~~H~~ . Section **17C-1-507**, which is renumbered from Section
1723a 17B-4-1207 is

1724 renumbered and amended to read:

1725 ~~[17B-4-1207]~~. 17C-1-507. **Obligee rights -- Board may confer other rights.**

1726 (1) In addition to all other rights that are conferred on an obligee of a bond issued by an
1727 agency under this part and subject to contractual restrictions binding on the obligee, an obligee
1728 may:

1729 (a) by mandamus, suit, action, or other proceeding, compel an agency and its board,
1730 officers, agents, or employees to perform every term, provision, and covenant contained in any

1731 contract of the agency with or for the benefit of the obligee, and require the agency to carry out
1732 the covenants and agreements of the agency and to fulfill all duties imposed on the agency by
1733 this part; and

1734 (b) by suit, action, or proceeding in equity, enjoin any acts or things that may be
1735 unlawful or violate the rights of the obligee.

1736 (2) (a) In a board resolution authorizing the issuance of bonds or in a trust indenture,
1737 mortgage, lease, or other contract, an agency board may confer upon an obligee holding or
1738 representing a specified amount in bonds, the rights described in Subsection (2)(b), to accrue
1739 upon the happening of an event or default prescribed in the resolution, indenture, mortgage,
1740 lease, or other contract, and to be exercised by suit, action, or proceeding in any court of
1741 competent jurisdiction.

1742 (b) (i) The rights that the board may confer under Subsection (2)(a) are the rights to:

1743 (A) cause possession of all or part of [~~a redevelopment~~] an urban renewal, economic
1744 development, or [~~education housing~~] community development project to be surrendered to an
1745 obligee;

1746 (B) obtain the appointment of a receiver of all or part of an agency's [~~redevelopment~~]
1747 urban renewal, economic development, or [~~education housing~~] community development project
1748 and of the rents and profits from it; and

1749 (C) require the agency and its board and employees to account as if the agency and the
1750 board and employees were the trustees of an express trust.

1751 (ii) If a receiver is appointed through the exercise of a right granted under Subsection
1752 (2)(b)(i)(B), the receiver:

1753 (A) may enter and take possession of the [~~redevelopment~~] urban renewal, economic
1754 development, or [~~education housing~~] community development project or any part of it, operate
1755 and maintain it, and collect and receive all fees, rents, revenues, or other charges arising from it
1756 after the receiver's appointment; and

1757 (B) shall keep money collected as receiver for the agency in separate accounts and
1758 apply it pursuant to the agency obligations as the court directs.

1759 Section ~~H~~→ [44] 45 ←~~H~~ . Section **17C-1-508**, which is renumbered from Section
1759a 17B-4-1208 is

1760 renumbered and amended to read:

1761 [~~17B-4-1208~~]. **17C-1-508**. **Bonds exempt from taxes -- Agency may**

1762 **purchase its own bonds.**

1763 (1) A bond issued by an agency under this part is issued for an essential public and
1764 governmental purpose and is, together with interest on the bond and income from it, exempt
1765 from all state taxes except the corporate franchise tax.

1766 (2) An agency may purchase its own bonds at a price that its board determines.

1767 (3) Nothing in this section may be construed to limit the right of an obligee to pursue a
1768 remedy for the enforcement of a pledge or lien given under this part by an agency on its rents,
1769 fees, grants, properties, or revenues.

1770 Section ~~H~~→ [45] 46 ←~~H~~ . Section **17C-1-601**, which is renumbered from Section
1770a 17B-4-1301 is

1771 renumbered and amended to read:

1772 **Part 6. Agency Annual Budget and Audit and Other Provisions**

1773 ~~[17B-4-1301]~~. **17C-1-601. Annual agency budget -- Fiscal year -- Public**
1774 **hearing required -- Auditor forms -- Requirement to file form.**

1775 (1) Each agency shall prepare and its board adopt an annual budget of revenues and
1776 expenditures for the agency for each fiscal year.

1777 (2) Each annual agency budget shall be adopted:

1778 (a) for an agency created by a city or town, before June 22; or

1779 (b) for an agency created by a county, before December 15.

1780 (3) The agency's fiscal year shall be the same as the fiscal year of the community that
1781 created the agency.

1782 (4) (a) Before adopting an annual budget, each agency board shall hold a public hearing
1783 on the annual budget.

1784 (b) Each agency shall provide notice of the public hearing on the annual budget by:

1785 (i) publishing at least one notice in a newspaper of general circulation within the
1786 agency boundaries, one week before the public hearing; or

1787 (ii) if there is no newspaper of general circulation within the agency boundaries,
1788 posting a notice of the public hearing in at least three public places within the agency
1789 boundaries.

1790 (c) Each agency shall make the annual budget available for public inspection at least
1791 three days before the date of the public hearing.

1792 (5) The state auditor shall prescribe the budget forms and the categories to be contained

1793 in each agency budget, including:

1794 (a) revenues and expenditures for the budget year;

1795 (b) legal fees; and

1796 (c) administrative costs, including rent, supplies, and other materials, and salaries of

1797 agency personnel.

1798 (6) (a) Within 30 days after adopting an annual budget, each agency board shall file a

1799 copy of the annual budget with the auditor of the county in which the agency is located, the

1800 State Tax Commission, the state auditor, the State Board of Education, and each taxing entity

1801 that levies a tax on property from which the agency collects tax increment.

1802 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the

1803 state as a taxing entity is met if the agency files a copy with the State Tax Commission and the

1804 state auditor.

1805 Section ~~H~~→ [46] 47 ←~~H~~ . Section **17C-1-602**, which is renumbered from Section

1805a 17B-4-1302 is

1806 renumbered and amended to read:

1807 ~~[17B-4-1302]~~. **17C-1-602. Amending the agency annual budget.**

1808 (1) An agency board may by resolution amend an annual agency budget.

1809 (2) An amendment of the annual agency budget that would increase the total

1810 expenditures may be made only after public hearing by notice published as required for initial

1811 adoption of the annual budget.

1812 (3) An agency may not make expenditures in excess of the total expenditures

1813 established in the annual budget as it is adopted or amended.

1814 Section ~~H~~→ [47] 48 ←~~H~~ . Section **17C-1-603**, which is renumbered from Section

1814a 17B-4-1303 is

1815 renumbered and amended to read:

1816 ~~[17B-4-1303]~~. **17C-1-603. Agency report.**

1817 (1) (a) On or before November 1 of each year, each agency shall prepare and file a

1818 report with the county auditor, the State Tax Commission, the State Board of Education, and

1819 each taxing entity that levies a tax on property from which the agency collects tax increment.

1820 (b) The requirement of Subsection (1)(a) to file a copy of the report with the state as a

1821 taxing entity is met if the agency files a copy with the State Tax Commission and the state

1822 auditor.

1823 (2) Each report under Subsection (1) shall contain:

1824 (a) an estimate of the tax increment to be paid to the agency for the calendar year
1825 ending December 31; and

1826 (b) an estimate of the tax increment to be paid to the agency for the calendar year
1827 beginning the next January 1.

1828 Section ~~H~~→ [48] 49 ←~~H~~ . Section **17C-1-604**, which is renumbered from Section
1828a 17B-4-1304 is

1829 renumbered and amended to read:

1830 ~~[17B-4-1304]~~. **17C-1-604. Audit requirements.**

1831 Each agency shall comply with the audit requirements of Title 51, Chapter 2a,
1832 Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local
1833 Entities Act.

1834 Section ~~H~~→ [49] 50 ←~~H~~ . Section **17C-1-605**, which is renumbered from Section
1834a 17B-4-1305 is

1835 renumbered and amended to read:

1836 ~~[17B-4-1305]~~. **17C-1-605. Audit report.**

1837 (1) Each agency required to be audited under Section ~~[17B-4-1304]~~ 17C-1-604 shall,
1838 within 180 days after the end of the agency's fiscal year, file a copy of the audit report with the
1839 county auditor, the State Tax Commission, the State Board of Education, and each taxing entity
1840 that levies a tax on property from which the agency collects tax increment.

1841 (2) Each audit report under Subsection (1) shall include:

1842 (a) the tax increment collected by the agency for each project area;

1843 (b) the amount of tax increment paid to each taxing entity under Section ~~[17B-4-1008]~~
1844 17C-1-410;

1845 (c) the outstanding principal amount of bonds issued or other loans incurred to finance
1846 the costs associated with the agency's project areas; and

1847 (d) the actual amount expended for:

1848 (i) acquisition of property;

1849 (ii) site improvements or site preparation costs;

1850 (iii) installation of public utilities or other public improvements; and

1851 (iv) administrative costs of the agency.

1852 Section ~~H~~→ [50] 51 ←~~H~~ . Section **17C-1-606**, which is renumbered from Section
1852a 17B-4-1306 is

1853 renumbered and amended to read:

1854 ~~[17B-4-1306]~~. **17C-1-606. County auditor report on project areas.**

1855 (1) (a) On or before March 31 of each year, the auditor of each county in which an
1856 agency is located shall prepare a report on the project areas within each agency.

1857 (b) The county auditor shall send a copy of each report under Subsection (1)(a) to the
1858 agency that is the subject of the report, the State Tax Commission, the State Board of
1859 Education, and each taxing entity that levies a tax on property from which the agency collects
1860 tax increment.

1861 (2) Each report under Subsection (1)(a) shall report:

1862 (a) the total assessed property value within each project area for the previous tax year;

1863 (b) the base taxable value of property within each project area for the previous tax year;

1864 (c) the tax increment available to be paid to the agency for the previous tax year;

1865 (d) the tax increment requested by the agency for the previous tax year; and

1866 (e) the tax increment paid to the agency for the previous tax year.

1867 (3) Within 30 days after a request by an agency, the State Tax Commission, the State
1868 Board of Education, or any taxing entity that levies a tax on property from which the agency
1869 receives tax increment, the county auditor or the county assessor shall provide access to:

1870 (a) the county auditor's method and calculations used to make adjustments under
1871 Section ~~[17B-4-1006]~~ 17C-1-408;

1872 (b) the unequalized assessed valuation of an existing or proposed project area, or any
1873 parcel or parcels within an existing or proposed project area, if the equalized assessed valuation
1874 has not yet been determined for that year; ~~[and]~~

1875 (c) the most recent equalized assessed valuation of an existing or proposed project area
1876 or any parcel or parcels within an existing or proposed project area; and

1877 (d) the tax rate of each taxing entity adopted as of November 1 for the previous tax
1878 year.

1879 Section ~~H~~→ ~~[51]~~ 52 ←~~H~~ . Section **17C-1-607** is enacted to read:

1880 **17C-1-607. State Tax Commission and county assessor required to account for**
1881 **new growth.**

1882 The State Tax Commission and the assessor of each county in which an urban renewal,
1883 economic development, or community development project area is located shall count as new
1884 growth the assessed value of property with respect to which the taxing entity is receiving taxes
1885 or increased taxes for the first time.

1886 Section ~~H~~→ [52] 53 ←~~H~~ . Section 17C-1-701, which is renumbered from Section
1886a 17B-4-1401 is
1887 renumbered and amended to read:

1888 **Part 7. Agency Dissolution**

1889 ~~[17B-4-1401].~~ **17C-1-701. Dissolution by ordinance -- Restrictions -- Filing**
1890 **copy of ordinance -- Agency records -- Dissolution expenses.**

1891 (1) (a) Subject to Subsection (1)(b), the legislative body of the community that created
1892 an agency may, by ordinance, deactivate and dissolve the agency.

1893 (b) An ordinance dissolving an agency may not be adopted unless the agency has no
1894 outstanding bonded indebtedness, other unpaid loans, indebtedness, or advances, and no legally
1895 binding contractual obligations with persons or entities other than the community.

1896 (2) (a) Within ten days after adopting an ordinance under Subsection (1), the
1897 community legislative body shall file a certified copy of the ordinance with the lieutenant
1898 governor.

1899 (b) Upon the lieutenant governor's issuance of the certificate of dissolution under
1900 Section 67-1a-6.5, the agency is dissolved.

1901 (c) Within ten days after receiving the certificate of dissolution from the lieutenant
1902 governor under Section 67-1a-6.5, the community legislative body shall send a copy of the
1903 certificate of dissolution and the ordinance adopted under Subsection (1) to the State Board of
1904 Education, and each taxing entity.

1905 (d) The community legislative body shall publish a notice of dissolution in a
1906 newspaper of general circulation in the county in which the dissolved agency is located.

1907 (3) The books, documents, records, papers, and seal of each dissolved agency shall be
1908 deposited for safekeeping and reference with the recorder of the community that dissolved the
1909 agency.

1910 (4) The agency shall pay all expenses of the deactivation and dissolution.

1911 Section ~~H~~→ [53] 54 ←~~H~~ . Section 17C-2-101, which is renumbered from Section
1911a 17B-4-401 is
1912 renumbered and amended to read:

1913 **CHAPTER 2. URBAN RENEWAL**

1914 **Part 1. Urban Renewal Project Area Plan**

1915 ~~[17B-4-401].~~ **17C-2-101. Resolution designating survey area -- Request to**
1916 **adopt resolution.**

1917 (1) An agency board may begin the process of adopting [a] an urban renewal project
 1918 area plan by adopting a resolution that:

1919 [~~(a)~~ for a proposed redevelopment project area plan:]

1920 [(i)] (a) designates an area located within the agency's boundaries as a survey area;

1921 [(ii)] (b) contains a statement that the survey area requires study to determine whether:

1922 [~~(A)~~] (i) one or more [~~redevelopment~~] urban renewal projects within the survey area
 1923 are feasible; and

1924 [~~(B)~~] (ii) blight exists within the survey area; and

1925 [(iii)] (c) contains a description or map of the boundaries of the survey area[~~;~~or].

1926 [~~(b)~~ for a proposed economic development or education housing development project
 1927 area plan, authorizes the preparation of a draft project area plan.]

1928 (2) (a) Any person or any group, association, corporation, or other entity may submit a
 1929 written request to the board to adopt a resolution under Subsection (1).

1930 (b) A request under Subsection (2)(a) may include plans showing the [~~redevelopment,~~
 1931 ~~economic development, or education housing development~~] urban renewal proposed for an
 1932 area within the agency's boundaries.

1933 (c) The board may, in its sole discretion, grant or deny a request under Subsection
 1934 (2)(a).

1935 Section ~~H~~→ [54] 55 ←~~H~~ . Section **17C-2-102**, which is renumbered from Section
 1935a 17B-4-402 is

1936 renumbered and amended to read:

1937 [~~17B-4-402~~]. **17C-2-102. Process for adopting urban renewal project area**
 1938 **plan -- Prerequisites -- Restrictions.**

1939 (1) (a) In order to adopt [a] an urban renewal project area plan, after adopting a
 1940 resolution under Subsection [~~17B-4-401~~] 17C-2-101(1) the agency shall:

1941 (i) cause a blight study to be conducted within the survey area as provided in Section
 1942 17C-2-301;

1943 (ii) provide notice of a blight hearing as required under Part 5, Urban Renewal Notice
 1944 Requirements;

1945 (iii) hold a blight hearing as provided in Section 17C-2-302; and

1946 (iv) after the blight hearing has been held, hold a board meeting, either in conjunction
 1947 with the blight hearing or at a subsequent board meeting, at which the board shall:

1948 (A) consider:

1949 (I) the issue of blight and the evidence and information relating to the existence or

1950 nonexistence of blight; and

1951 (II) whether adoption of one or more urban renewal project area plans should be

1952 pursued; and

1953 (B) by resolution:

1954 (I) make a finding regarding the existence of blight in the proposed urban renewal

1955 project area;

1956 (II) select one or more project areas comprising part or all of the survey area; and

1957 (III) authorize the preparation of a draft project area plan for each project area;

1958 ~~[(a)]~~ (v) prepare a draft of a project area plan and conduct any examination,

1959 investigation, and negotiation regarding the project area plan that the agency considers

1960 appropriate;

1961 ~~[(b) request input on the draft project area plan from the planning commission of the~~

1962 ~~community in which the proposed project area is located;]~~

1963 ~~[(c)]~~ (vi) make the draft project area plan available to the public at the agency's offices

1964 during normal business hours;

1965 ~~[(d)]~~ (vii) provide notice of the plan hearing as provided in Sections ~~[17B-4-702]~~

1966 17C-2-502 and ~~[17B-4-704]~~ 17C-2-504;

1967 ~~[(e)]~~ (viii) hold a public hearing on the draft project area plan and, at that public

1968 hearing:

1969 ~~[(f)]~~ (A) allow public comment on:

1970 ~~[(A)]~~ (I) the draft project area plan; and

1971 ~~[(B)]~~ (II) whether the draft project area plan should be revised, approved, or rejected;

1972 and

1973 ~~[(g)]~~ (B) receive all written and hear all oral objections to the draft project area plan;

1974 ~~[(h)]~~ (ix) before holding the plan hearing, provide an opportunity for the State Board of

1975 Education and each taxing entity that levies a tax on property within the proposed project area

1976 to consult with the agency regarding the draft project area plan;

1977 ~~[(i)]~~ (x) if applicable, hold the election required under Subsection ~~[17B-4-406]~~

1978 17C-2-105(3);

1979 ~~[(h) for a redevelopment project area plan:]~~
1980 ~~[(i) comply with the requirements of Part 6, Blight Determination in Redevelopment~~
1981 ~~Project Areas;]~~
1982 ~~[(ii) before providing notice of the plan hearing, hold at least one public hearing to:]~~
1983 ~~[(A) inform the public about each area being considered for a redevelopment project~~
1984 ~~area; and]~~
1985 ~~[(B) allow public input into agency deliberations on proposing each redevelopment~~
1986 ~~project area;]~~
1987 ~~[(iii) select one or more project areas comprising part or all of the survey area; and]~~
1988 ~~[(iv) before sending the first notice to assessment owners of property for a public input~~
1989 ~~hearing, blight hearing, or combined public input and blight hearing, prepare and adopt~~
1990 ~~guidelines setting forth and governing the reasonable opportunities of record property owners~~
1991 ~~and tenants to participate in the redevelopment;]~~
1992 ~~[(†)] (xi) after holding the plan hearing, at the same meeting or at a subsequent meeting~~
1993 ~~consider:~~
1994 ~~[(†)] (A) the oral and written objections to the draft project area plan and evidence and~~
1995 ~~testimony for ~~[or]~~ and against adoption of the draft project area plan; and~~
1996 ~~[(†)] (B) whether to revise, approve, or reject the draft project area plan;~~
1997 ~~[(†)] subject to Subsection (5); (xii) approve the draft project area plan, with or without~~
1998 ~~revisions, as the project area plan by a resolution that complies with Section ~~[17B-4-407]~~~~
1999 ~~17C-2-106; and~~
2000 ~~[(†)] (xiii) submit the project area plan to the community legislative body for adoption.~~
2001 ~~(b) If an agency makes a finding under Subsection (1)(a)(iv)(B) that blight exists in the~~
2002 ~~proposed urban renewal project area, the agency may not adopt the project area plan until the~~
2003 ~~taxing entity committee approves the finding of blight.~~
2004 (2) An agency may not propose a project area plan under Subsection (1) unless the
2005 community in which the proposed project area is located:
2006 (a) has a planning commission; and
2007 (b) has adopted a general plan under:
2008 (i) if the community is a city or town, Title 10, Chapter 9a, Part 4, General Plan; or
2009 (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.

2010 (3) (a) Subject to Subsection (3)(b), an agency board may not approve a project area
 2011 plan more than one year after[:(i) for a redevelopment project area plan,] adoption of a
 2012 resolution making a finding of blight under Subsection [~~17B-4-601(1)(d)(ii); or (ii) for an~~
 2013 ~~economic development or education housing development project area plan, the date of the~~
 2014 ~~plan hearing.] (1)(a)(iv)(B).~~

2015 (b) If a project area plan is submitted to an election under Subsection [~~17B-4-406(3)]~~
 2016 17C-2-105(3), the time between the plan hearing and the date of the election does not count for
 2017 purposes of calculating the year period under Subsection (3)(a).

2018 (4) (a) Except as provided in Subsection (4)(b), a draft project area plan may not be
 2019 modified to add real property to the proposed project area unless the board holds a plan hearing
 2020 to consider the addition and gives notice of the plan hearing as required under Sections
 2021 [~~17B-4-702]~~ 17C-2-502 and [~~17B-4-704]~~ 17C-2-504.

2022 (b) The notice and hearing requirements under Subsection (4)(a) do not apply to a draft
 2023 project area plan being modified to add real property to the proposed project area if:

2024 (i) the property is contiguous to the property already included in the proposed project
 2025 area under the draft project area plan;

2026 (ii) the record owner of the property consents to adding the real property to the
 2027 proposed project area; and

2028 (iii) [~~for a redevelopment project area,]~~ the property is located within the survey area.

2029 [~~(5) From July 1, 2005 through June 30, 2006, an agency may not adopt a project area~~
 2030 ~~plan for a redevelopment project requiring a finding of blight unless:]~~

2031 [~~(a) before February 15, 2005, the agency has authorized a blight study; and]~~

2032 [~~(b) the blight study authorized before February 15, 2005, is completed before July 1,~~
 2033 ~~2005.]~~

2034 Section ~~H~~→ [55] 56 ←~~H~~ . Section **17C-2-103**, which is renumbered from Section
 2034a 17B-4-403 is

2035 renumbered and amended to read:

2036 [~~17B-4-403~~]. **17C-2-103. Urban renewal project area plan requirements.**

2037 (1) Each urban renewal project area plan and draft project area plan shall:

2038 (a) describe the boundaries of the project area ~~H~~→ , **subject to Section 17C-1-414, if**
 2038a **applicable** ←~~H~~ ;

2039 (b) contain a general statement of the land uses, layout of principal streets, population
 2040 densities, and building intensities of the project area and how they will be affected by the

2041 [~~redevelopment, economic development, or education housing development~~] urban renewal;
2042 (c) state the standards that will guide the [~~redevelopment, economic development, or~~
2043 ~~education housing development~~] urban renewal;
2044 (d) show how the purposes of this [~~chapter~~] title will be attained by the
2045 [~~redevelopment, economic development, or education housing development~~] urban renewal;
2046 (e) be consistent with the general plan of the community in which the project area is
2047 located and show that the [~~redevelopment, economic development, or education housing~~
2048 ~~development~~] urban renewal will conform to the community's general plan;
2049 (f) [~~if the agency board made a finding of blight under Subsection 17B-4-601(1)(d)(ii);~~]
2050 describe how the [~~redevelopment~~] urban renewal will reduce or eliminate blight in the project
2051 area;
2052 [~~(g) if the project area plan is for economic development, describe how the economic~~
2053 ~~development will create additional jobs;~~]
2054 [~~(h) if the project area plan is for education housing development, describe how the~~
2055 ~~education housing development will meet the needs of the community in which the project area~~
2056 ~~is located;~~]
2057 [(i)] (g) describe any specific project or projects that are the object of the proposed
2058 [~~redevelopment, economic development, or education housing development~~] urban renewal;
2059 [(j)] (h) identify how private developers, if any, will be selected to undertake the
2060 [~~redevelopment, economic development, or education housing development~~] urban renewal
2061 and identify each private developer currently involved in the [~~redevelopment, economic~~
2062 ~~development, or education housing development~~] urban renewal process;
2063 [(k) contain a time limit of no more than three years after adoption of the project area
2064 plan for the agency to commence implementation of the project area plan, unless the project
2065 area plan is adopted again as if it were an amended project area plan under Section 17B-4-411;]
2066 [(l) if the project area plan authorizes the use of eminent domain, contain a time limit
2067 of no more than five years after the effective date of the project area plan for the agency to
2068 commence acquisition of property through the use of eminent domain;]
2069 [(m) if the project area plan provides for tax increment to be paid to the agency;]
2070 [(i) contain a time limit of no more than 25 years for tax increment to be paid to the
2071 agency from the project area unless the taxing entity committee consents to a longer period;

2072 and]

2073 ~~[(ii) contain a provision that the project area may not exceed 100 acres of private real~~

2074 ~~property unless:]~~

2075 ~~[(A) the agency obtains the consent of the taxing entity committee; or]~~

2076 ~~[(B) the project area is a superfund site;]~~

2077 ~~[(n)] (i) state the reasons for the selection of the project area;~~

2078 ~~[(o)] (j) describe the physical, social, and economic conditions existing in the project~~

2079 ~~area;~~

2080 ~~[(p) provide a financial analysis describing the proposed method of financing the~~

2081 ~~proposed redevelopment, economic development, or education housing development;]~~

2082 ~~[(q)] (k) describe any tax incentives offered private entities for facilities located in the~~

2083 ~~project area;~~

2084 ~~[(r) contain the report and state any recommendations of the community's planning~~

2085 ~~commission;]~~

2086 ~~[(s)] (l) include [an] the analysis~~[, as provided] described in Subsection (2)~~~~[, of~~~~

2087 ~~whether adoption of the project area plan is:];~~

2088 ~~[(i) for a redevelopment project area plan, necessary and appropriate to reduce or~~

2089 ~~eliminate blight; or]~~

2090 ~~[(ii) for an economic development or education housing development project area plan,~~

2091 ~~beneficial under a benefit analysis;]~~

2092 ~~[(t)] (m) if any of the existing buildings or uses in the project area are included in or~~

2093 ~~eligible for inclusion in the National Register of Historic Places or the State Register, state that~~

2094 ~~the agency shall comply with Subsection 9-8-404(1) as though the agency were a state agency;~~

2095 ~~and~~

2096 ~~[(u)] (n) include other information that the agency determines to be necessary or~~

2097 ~~advisable.~~

2098 (2) Each analysis under Subsection (1)~~[(s)](ii)](l) shall consider:~~

2099 (a) the benefit of any financial assistance or other public subsidy proposed to be

2100 provided by the agency, including:

2101 (i) an evaluation of the reasonableness of the costs of ~~[economic development or~~

2102 ~~education housing development] the urban renewal;~~

2103 (ii) efforts the agency or developer has made or will make to maximize private
2104 investment;

2105 (iii) the rationale for use of tax increment, including an analysis of whether the
2106 proposed development might reasonably be expected to occur in the foreseeable future solely
2107 through private investment; and

2108 (iv) an estimate of the total amount of tax increment that will be expended in
2109 undertaking [~~economic development or education housing development~~] urban renewal and the
2110 length of time for which it will be expended; and

2111 (b) the anticipated public benefit to be derived from the [~~economic development or~~
2112 ~~education housing development~~] urban renewal, including:

2113 (i) the beneficial influences upon the tax base of the community;

2114 (ii) the associated business and economic activity likely to be stimulated; and

2115 [~~(iii) in the case of economic development, the number of jobs or employment~~
2116 ~~anticipated to be generated or preserved.~~]

2117 (iii) whether adoption of the project area plan is necessary and appropriate to reduce or
2118 eliminate blight.

2119 Section ~~H~~→ [56] 57 ←~~H~~ . Section **17C-2-104**, which is renumbered from Section
2119a 17B-4-405 is

2120 renumbered and amended to read:

2121 [~~17B-4-405~~]. **17C-2-104. Existing and historic buildings and uses in an**
2122 **urban renewal project area.**

2123 If any of the existing buildings or uses in [a] an urban renewal project area are included
2124 in or eligible for inclusion in the National Register of Historic Places or the State Register, the
2125 agency shall comply with Subsection 9-8-404(1) as though the agency were a state agency.

2126 Section ~~H~~→ [57] 58 ←~~H~~ . Section **17C-2-105**, which is renumbered from Section
2126a 17B-4-406 is

2127 renumbered and amended to read:

2128 [~~17B-4-406~~]. **17C-2-105. Objections to urban renewal project area plan --**
2129 **Owners' alternative project area plan -- Election if 40% of property owners object.**

2130 (1) At any time before the plan hearing, any person may file with the agency a written
2131 statement of objections to the draft urban renewal project area plan.

2132 (2) If the record owners of property of a majority of the private real property included
2133 within the proposed urban renewal project area file a written petition before or at the plan

2134 hearing, proposing an alternative project area plan, the agency shall consider that proposed plan
2135 in conjunction with the project area plan proposed by the agency.

2136 (3) (a) If the record property owners of at least 40% of the private land area within the
2137 proposed urban renewal project area object in writing to the draft project area plan before or at
2138 the plan hearing and do not withdraw their objections, an agency may not approve the project
2139 area plan until approved by voters within the boundaries of the agency in which the proposed
2140 project area is located at an election as provided in Subsection (3)(b).

2141 (b) (i) Except as provided in this section, each election required under Subsection
2142 (3)(a) shall comply with Title 20A, Election Code.

2143 (ii) An election under Subsection (3)(a) may be held on the same day and with the
2144 same election officials as an election held by the community in which the proposed project area
2145 is located.

2146 (iii) If a majority of those voting on the proposed project area plan vote in favor of it,
2147 the project area plan shall be considered approved and the agency shall confirm the approval by
2148 resolution.

2149 (4) If the record property owners of 2/3 of the private land area within the proposed
2150 project area object in writing to the draft project area plan before or at the plan hearing and do
2151 not withdraw their objections, the project area plan may not be adopted and the agency may not
2152 reconsider the project area plan for three years.

2153 Section ~~H~~→ [58] 59 ←~~H~~ . Section **17C-2-106**, which is renumbered from Section
2153a 17B-4-407 is
2154 renumbered and amended to read:

2155 ~~[17B-4-407].~~ **17C-2-106. Board resolution approving urban renewal**
2156 **project area plan -- Requirements.**

2157 ~~[(1)]~~ Each board resolution approving a draft ~~[redevelopment, economic development,~~
2158 ~~or education housing development]~~ urban renewal project area plan as the project area plan
2159 under Subsection ~~[17B-4-402(1)(j)]~~ 17C-2-102(1)(a)(xii) shall contain:

2160 ~~[(a)]~~ (1) a legal description of the boundaries of the project area that is the subject of
2161 the project area plan;

2162 ~~[(b)]~~ (2) the agency's purposes and intent with respect to the project area;

2163 ~~[(c)]~~ (3) the project area plan incorporated by reference; ~~[and]~~

2164 (4) a statement that the board previously made a finding of blight within the project

2165 area and the date of the board's finding of blight; and
2166 ~~[(v)]~~ (5) the board findings and determinations that:
2167 ~~[(i)]~~ (a) there is a need to effectuate a public purpose;
2168 ~~[(ii)]~~ (b) there is a public benefit under the analysis described in ~~[Subsections~~
2169 ~~17B-4-403(1)(t) and]~~ Subsection 17C-2-103(2);
2170 ~~[(iii)]~~ (c) it is economically sound and feasible to adopt and carry out the project area
2171 plan;
2172 ~~[(iv)]~~ (d) the project area plan conforms to the community's general plan; and
2173 ~~[(v)]~~ (e) carrying out the project area plan will promote the public peace, health, safety,
2174 and welfare of the community in which the project area is located.
2175 ~~[(2) (a) As used in this Subsection (2), "comparable dwellings" means residential~~
2176 ~~housing facilities that are:]~~
2177 ~~[(i) within the project area or in other areas not generally less desirable in regard to~~
2178 ~~public utilities and public and commercial facilities;]~~
2179 ~~[(ii) at rents or prices within the financial means of the families and persons displaced~~
2180 ~~from the project area; and]~~
2181 ~~[(iii) decent, safe, and sanitary and equal in number and available to displaced families~~
2182 ~~and persons and reasonably accessible to their places of employment.]]~~
2183 ~~[(b) In addition to the requirements under Subsection (1), each board resolution~~
2184 ~~approving a redevelopment project area plan shall:]~~
2185 ~~[(i) state that the board previously made a finding of blight within the project area and~~
2186 ~~the date of the board's finding of blight; and]~~
2187 ~~[(ii) contain the board's findings and determinations that, if the project area plan may~~
2188 ~~result in the temporary or permanent displacement of any residential occupants in the project~~
2189 ~~area:]~~
2190 ~~[(A) the agency has a feasible method or plan for the relocation of families and persons~~
2191 ~~displaced from the project area;]~~
2192 ~~[(B) comparable dwellings exist or will be provided to the families and persons~~
2193 ~~displaced by the project area plan; and]~~
2194 ~~[(C) the board is satisfied that permanent housing facilities will be available within~~
2195 ~~three years from the time occupants of the project area are displaced and, pending the~~

2196 development of these housing facilities, there will be available to the displaced occupants
 2197 adequate temporary housing facilities at rents comparable to those in the community at the time
 2198 of their displacement.]

2199 Section ~~H~~→ [59] 60 ←~~H~~ . Section 17C-2-107, which is renumbered from Section
 2199a 17B-4-408 is
 2200 renumbered and amended to read:

2201 ~~[17B-4-408].~~ **17C-2-107. Urban renewal project area plan to be adopted**
 2202 **by community legislative body.**

2203 (1) A urban renewal project area plan approved by board resolution under Section
 2204 ~~[17B-4-407]~~ 17C-2-106 may not take effect until:

2205 (a) it has been adopted by ordinance of the legislative body of the community that
 2206 created the agency; and

2207 (b) notice under Section ~~[17B-4-409]~~ 17C-2-108 is provided.

2208 (2) Each ordinance under Subsection (1) shall:

2209 (a) be adopted by the community legislative body after the board's approval of a
 2210 resolution under Section ~~[17B-4-407]~~ 17C-2-106; and

2211 (b) designate the approved project area plan as the official [~~redevelopment, economic~~
 2212 ~~development, or education housing development~~] urban renewal plan of the project area.

2213 Section ~~H~~→ [60] 61 ←~~H~~ . Section 17C-2-108, which is renumbered from Section
 2213a 17B-4-409 is
 2214 renumbered and amended to read:

2215 ~~[17B-4-409].~~ **17C-2-108. Notice of urban renewal project area plan**
 2216 **adoption -- Effective date of plan -- Contesting the formation of the plan.**

2217 (1) (a) Upon the community legislative body's adoption of [a] an urban renewal project
 2218 area plan, the legislative body shall provide notice as provided in Subsection (1)(b) by:

2219 (i) publishing or causing to be published a notice in a newspaper of general circulation
 2220 within the agency's boundaries; or

2221 (ii) if there is no newspaper of general circulation within the agency's boundaries,
 2222 causing a notice to be posted in at least three public places within the agency's boundaries.

2223 (b) Each notice under Subsection (1)(a) shall:

2224 (i) set forth the community legislative body's ordinance adopting the project area plan
 2225 or a summary of the ordinance; and

2226 (ii) include a statement that the project area plan is available for general public

2227 inspection and the hours for inspection.

2228 (2) The project area plan shall become effective on the date of:

2229 (a) if notice was published under Subsection (1)(a), publication of the notice; or

2230 (b) if notice was posted under Subsection (1)(a), posting of the notice.

2231 (3) (a) ~~[(†)]~~ For a period of ~~[60]~~ 30 days after the effective date of the project area plan

2232 under Subsection (2), any person in interest may ~~[, except as provided in Subsection (3)(a)(ii),]~~

2233 contest the project area plan or the procedure used to adopt the project area plan if the plan or

2234 procedure fails to comply with applicable statutory requirements.

2235 ~~[(ii) Notwithstanding Subsection (3)(a)(i), a challenge to a finding of blight may be~~

2236 ~~made only under Section 17B-4-605.]~~

2237 (b) After the ~~[60-day]~~ 30-day period under Subsection (3)(a)~~[(†)]~~ expires, no person

2238 may contest the project area plan or procedure used to adopt the project area plan for any cause.

2239 (4) ~~[(a) Except as provided in Subsection (4)(b), upon]~~ Upon adoption of the project

2240 area plan by the community's legislative body, the agency may carry out the project area plan.

2241 ~~[(b) An agency may not commence implementation of a project area plan more than~~

2242 ~~three years after the community legislative body adopts the plan, unless the plan is readopted as~~

2243 ~~if it were an amended project area plan under Section 17B-4-411.]~~

2244 (5) Each agency shall make the adopted project area plan available to the general

2245 public at its offices during normal business hours.

2246 Section ~~Ĥ~~ → ~~[61]~~ 62 ← ~~Ĥ~~ . Section **17C-2-109**, which is renumbered from Section

2246a 17B-4-410 is

2247 renumbered and amended to read:

2248 ~~[17B-4-410].~~ **17C-2-109. Agency required to transmit and record**

2249 **documents after adoption of an urban renewal project area plan.**

2250 Within 30 days after the community legislative body adopts, under Section ~~[17B-4-408]~~

2251 17C-2-107, ~~[a]~~ an urban renewal project area plan, the agency shall:

2252 (1) record with the recorder of the county in which the project area is located a

2253 document containing:

2254 (a) a description of the land within the project area;

2255 (b) a statement that the project area plan for the project area has been adopted; and

2256 (c) the date of adoption;

2257 (2) transmit a copy of the description of the land within the project area and an accurate

2258 map or plat indicating the boundaries of the project area to the Automated Geographic
 2259 Reference Center created under Section 63F-1-506; and

2260 (3) for a project area plan that provides for the payment of tax increment to the agency,
 2261 transmit a copy of the description of the land within the project area, a copy of the community
 2262 legislative body ordinance adopting the project area plan, and a map or plat indicating the
 2263 boundaries of the project area to:

2264 (a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any
 2265 part of the project area is located;

2266 (b) the officer or officers performing the function of auditor or assessor for each taxing
 2267 entity that does not use the county assessment roll or collect its taxes through the county;

2268 (c) the legislative body or governing board of each taxing entity;

2269 (d) the State Tax Commission; and

2270 (e) the State Board of Education.

2271 Section ~~H~~→ [62] 63 ←~~H~~ . Section 17C-2-110, which is renumbered from Section
 2271a 17B-4-411 is

2272 renumbered and amended to read:

2273 ~~[17B-4-411].~~ **17C-2-110. Amending an urban renewal project area plan.**

2274 (1) An adopted urban renewal project area plan may be amended as provided in this
 2275 section.

2276 ~~[(2) Except as provided in Subsection (4)(a), a project area plan may not be amended
 2277 after March 21, 2005, to enlarge or add to a project area.]~~

2278 (2) If an agency proposes to amend an adopted urban renewal project area plan to
 2279 enlarge the project area:

2280 (a) subject to Subsection (2)(e), the requirements under this part that apply to adopting
 2281 a project area plan apply equally to the proposed amendment as if it were a proposed project
 2282 area plan;

2283 (b) for a pre-July 1, 1993 project area plan, the base year taxable value for the new area
 2284 added to the project area shall be determined under Subsection 17C-1-102(6)(a) using the
 2285 effective date of the amended project area plan;

2286 (c) for a post-June 30, 1993 project area plan:

2287 (i) the base year taxable value for the new area added to the project area shall be
 2288 determined under Subsection 17C-1-102(6)(b) using the date of the taxing entity committee's

2289 consent referred to in Subsection (2)(c)(ii); and

2290 (ii) the agency shall obtain the consent of the taxing entity committee before the agency
2291 may collect tax increment from the area added to the project area by the amendment;

2292 (d) the agency shall make a finding regarding the existence of blight in the area
2293 proposed to be added to the project area by following the procedure set forth in Subsections
2294 17C-2-102(1)(a)(i) through (iv); and

2295 (e) the agency need not make a finding regarding the existence of blight in the project
2296 area as described in the original project area plan, if the agency made a finding of the existence
2297 of blight regarding that project area in connection with adoption of the original project area
2298 plan.

2299 (3) ~~[An]~~ If a proposed amendment does not propose to enlarge an urban renewal
2300 project area, an agency board may adopt a resolution approving an amendment to an adopted
2301 project area plan after:

2302 (a) the agency gives notice, as provided in Section ~~[17B-4-702]~~ 17C-2-502, of the
2303 proposed amendment and of the public hearing required by Subsection (3)(b);

2304 (b) the agency board holds a public hearing on the proposed amendment that meets the
2305 requirements of a plan hearing;

2306 (c) the agency obtains the taxing entity committee's consent to the amendment, if the
2307 amendment proposes:

2308 (i) to enlarge the area within the project area from which tax increment is collected;

2309 (ii) to permit the agency to receive a greater percentage of tax increment or to receive
2310 tax increment for a longer period of time, or both, than allowed under the adopted project area
2311 plan; ~~and~~ or

2312 (iii) for an amendment to a project area plan that was adopted before April 1, 1983, to
2313 expand the area from which tax increment is collected to exceed 100 acres of private property;
2314 and

2315 (d) the agency obtains the consent of the legislative body or governing board of each
2316 taxing entity affected, if the amendment proposes to permit the agency to receive, from less
2317 than all taxing entities, a greater percentage of tax increment or to receive tax increment for a
2318 longer period of time, or both, than allowed under the adopted project area plan.

2319 (4) (a) An adopted urban renewal project area plan may be amended without

2320 complying with the notice and public hearing requirements of Subsections (2)(a) and (3)(a) and
 2321 (b) and without obtaining taxing entity committee approval under Subsection (3)(c) if the
 2322 amendment:

2323 (i) makes a minor adjustment in the legal description of a project area boundary
 2324 requested by a county assessor or county auditor to avoid inconsistent property boundary lines;
 2325 or

2326 (ii) subject to Subsection (4)(b), removes a parcel of real property from a project area
 2327 because the agency determines that:

2328 (A) the parcel is no longer blighted; or

2329 (B) inclusion of the parcel is no longer necessary or desirable to the project area~~[-, and].~~

2330 (b) An amendment removing a parcel of real property from a project area under
 2331 Subsection (4)(a)(ii) may not be made without the consent of the record property owner of the
 2332 parcel being removed.

2333 (5) (a) An amendment approved by board resolution under this section may not take
 2334 effect until adopted by ordinance of the legislative body of the community in which the project
 2335 area that is the subject of the project area plan being amended is located.

2336 (b) Upon a community legislative body passing an ordinance adopting an amendment
 2337 to a project area plan, the agency whose project area plan was amended shall comply with the
 2338 requirements of Section ~~[17B-4-410]~~ 17C-2-109 to the same extent as if the amendment were a
 2339 project area plan.

2340 Section ~~H~~ ~~→~~ ~~[63]~~ 64 ~~←~~ ~~H~~ . Section **17C-2-201**, which is renumbered from Section
 2340a 17B-4-501 is
 2341 renumbered and amended to read:

2342 **Part 2. Urban Renewal Project Area Budget**

2343 ~~[17B-4-501].~~ **17C-2-201. Project area budget -- Requirements for**
 2344 **adopting -- Contesting the budget or procedure -- Time limit.**

2345 (1) If an agency anticipates funding all or a portion of a post-June 30, 1993 urban
 2346 renewal project area plan with tax increment, the agency shall, subject to Section ~~[17B-4-503]~~
 2347 17C-2-202, adopt a project area budget as provided in this part.

2348 (2) To adopt ~~[a]~~ an urban renewal project area budget, the agency shall:

2349 (a) prepare a draft of a project area budget;

2350 (b) make a copy of the draft project area budget available to the public at the agency's

2351 offices during normal business hours;

2352 (c) provide notice of the budget hearing as required by Part [7] 5, Urban Renewal

2353 Notice Requirements;

2354 [~~(d)~~ at least seven days before the budget hearing;]

2355 [~~(i)~~ publish a display advertisement that complies with Section 17B-4-502 in a

2356 newspaper that is:]

2357 [~~(A)~~ of general circulation within the county in which the proposed project area is

2358 located; and]

2359 [~~(B)~~ to the extent practicable, of general interest and readership and not of limited

2360 subject matter; or]

2361 [~~(ii)~~ if there is no newspaper of general circulation within the county in which the

2362 proposed project area is located, post a notice that complies with Section 17B-4-502 in at least

2363 three conspicuous places within the agency's boundaries;]

2364 [~~(e)~~] (d) hold a public hearing on the draft project area budget and, at that public

2365 hearing, allow public comment on:

2366 (i) the draft project area budget; and

2367 (ii) whether the draft project area budget should be revised, adopted, or rejected;

2368 [~~(f)~~] (e) (i) if required under Subsection [~~17B-4-505~~] 17C-2-204(1), obtain the

2369 approval of the taxing entity committee on the draft project area budget or a revised version of

2370 the draft project area budget; or

2371 (ii) if applicable, comply with the requirements of Subsection [~~17B-4-505~~]

2372 17C-2-204(2); and

2373 [~~(g)~~] (f) after the budget hearing, hold a board meeting in the same meeting as the

2374 public hearing or in a subsequent meeting to:

2375 (i) consider comments made and information presented at the public hearing relating to

2376 the draft project area budget; and

2377 (ii) adopt by resolution the draft project area budget, with any revisions, as the project

2378 area budget.

2379 (3) (a) For a period of [~~60~~] 30 days after the agency's adoption of the project area

2380 budget under Subsection (2)[~~(g)~~](f), any person in interest may contest the project area budget

2381 or the procedure used to adopt the project area budget if the budget or procedure fails to

2382 comply with applicable statutory requirements.

2383 (b) After the ~~[60-day]~~ 30-day period under Subsection (3)(a) expires, no person may
2384 contest the project area budget or procedure used to adopt the project area budget for any cause.

2385 Section ~~H~~→ ~~[64]~~ 65 ←~~H~~ . Section **17C-2-202**, which is renumbered from Section
2385a 17B-4-503 is

2386 renumbered and amended to read:

2387 ~~[17B-4-503].~~ **17C-2-202. Combined incremental value -- Restriction**
2388 **against adopting an urban renewal project area budget -- Taxing entity committee may**
2389 **waive restriction.**

2390 ~~[(1) For purposes of this section:]~~

2391 ~~[(a) "Adjusted tax increment" means:]~~

2392 ~~[(i) for tax increment under a pre-July 1, 1993 project area plan, tax increment under~~
2393 ~~Section 17B-4-1003, excluding tax increment under Subsection 17B-4-1003(3); and]~~

2394 ~~[(ii) for tax increment under a post-June 30, 1993 project area plan, tax increment~~
2395 ~~under Section 17B-4-1004, excluding tax increment under Subsection 17B-4-1004(3).]~~

2396 ~~[(b) "Combined incremental value" means the combined total of all incremental values~~
2397 ~~from all project areas, except a military installation project area, within the agency's boundaries~~
2398 ~~under adopted project area plans and adopted project area budgets at the time that a project area~~
2399 ~~budget for a new project area is being considered.]~~

2400 ~~[(c) "Incremental value" means a figure derived by multiplying the marginal value of~~
2401 ~~the property located within a project area on which tax increment is collected by a number that~~
2402 ~~represents the percentage of adjusted tax increment from that project area that is paid to the~~
2403 ~~agency.]~~

2404 ~~[(d) "Marginal value" means the difference between actual taxable value and base~~
2405 ~~taxable value.]~~

2406 ~~[(e) "Military installation project area" means a project area or a portion of a project~~
2407 ~~area located within a federal military installation ordered closed by the federal Defense Base~~
2408 ~~Realignment and Closure Commission.]~~

2409 ~~[(f) "Taxable value" means the value of property as shown on the last equalized~~
2410 ~~assessment roll as certified by the county assessor.]~~

2411 ~~[(2)(a)]~~ (1) Except as provided in Subsection (2)~~[(b)]~~, an agency may not adopt ~~[a]~~ an
2412 urban renewal project area budget if, at the time the urban renewal project area budget is being

2413 considered, the combined incremental value for the agency exceeds 10% of the total taxable
 2414 value of property within the agency's boundaries in the year that the urban renewal project area
 2415 budget is being considered.

2416 ~~[(b)]~~ (2) A taxing entity committee may waive the restrictions imposed by Subsection
 2417 ~~[(2)(a)]~~ (1).

2418 Section ~~H~~→ [65] 66 ←~~H~~ . Section 17C-2-203, which is renumbered from Section
 2418a 17B-4-504 is
 2419 renumbered and amended to read:

2420 ~~[17B-4-504].~~ **17C-2-203. Part of tax increment funds in urban renewal**
 2421 **project area budget to be used for housing -- Waiver of requirement.**

2422 (1) (a) Except as provided in Subsection (1)(b), each urban renewal project area budget
 2423 adopted on or after May 1, 2000 that provides for more than \$100,000 of annual tax increment
 2424 to be paid to the agency shall allocate at least 20% of the tax increment for housing as provided
 2425 in Section ~~[17B-4-1010]~~ 17C-1-412.

2426 (b) The 20% requirement of Subsection (1)(a) may be waived~~[-(i)]~~ in part or whole by
 2427 the mutual consent of the loan fund board and the taxing entity committee if they determine
 2428 that 20% of tax increment is more than is needed to address the community's need for income
 2429 targeted housing~~[, as defined in Section 17B-4-1010; or]~~.

2430 ~~[(ii) in fifth and sixth class counties, by the taxing entity committee for economic~~
 2431 ~~development project area budgets adopted on or after May 1, 2002, if the economic~~
 2432 ~~development project area consists of an area without housing units.]~~

2433 (2) ~~[A]~~ An urban renewal project area budget not required under Subsection (1)(a) to
 2434 allocate tax increment for housing may allocate 20% of tax increment payable to the agency
 2435 over the life of the project area for housing as provided in Section ~~[17B-4-1010]~~ 17C-1-412 if
 2436 the project area budget is under a project area plan that is adopted on or after July 1, 1998.

2437 Section ~~H~~→ [66] 67 ←~~H~~ . Section 17C-2-204, which is renumbered from Section
 2437a 17B-4-505 is
 2438 renumbered and amended to read:

2439 ~~[17B-4-505].~~ **17C-2-204. Consent of taxing entity committee required for**
 2440 **urban renewal project area budget -- Exception.**

2441 (1) (a) Except as provided in Subsection (1)(b) and subject to Subsection (2), each
 2442 agency shall obtain the consent of the taxing entity committee for each urban renewal project
 2443 area budget under a post-June 30, 1993 project area plan before the agency may collect any tax

2444 increment from the urban renewal project area.

2445 (b) For [a] an urban renewal project area budget adopted from July 1, 1998 through
2446 May 1, 2000 that allocates 20% or more of the tax increment for housing as provided in
2447 Section [~~17B-4-1010~~] 17C-1-412, an agency:

2448 (i) need not obtain the consent of the taxing entity committee for the project area
2449 budget; and

2450 (ii) may not collect any tax increment from all or part of the project area until after:

2451 (A) the loan fund board has certified the project area budget as complying with the
2452 requirements of Section [~~17B-4-1010~~] 17C-1-412; and

2453 (B) the agency board has approved and adopted the project area budget by a two-thirds
2454 vote.

2455 (2) (a) Before a taxing entity committee may consent to [a] an urban renewal project
2456 area budget adopted on or after May 1, 2000 that is required under Subsection [~~17B-4-504~~]
2457 17C-2-203(1)(a) to allocate 20% of tax increment for housing, the agency shall:

2458 (i) adopt a housing plan showing the uses for the housing funds; and

2459 (ii) provide a copy of the housing plan to the taxing entity committee and the loan fund
2460 board.

2461 (b) If an agency amends a housing plan prepared under Subsection (2)(a), the agency
2462 shall provide a copy of the amendment to the taxing entity committee and the loan fund board.

2463 Section ~~H~~→ [67] 68 ←~~H~~ . Section **17C-2-205**, which is renumbered from Section
2463a 17B-4-506 is

2464 renumbered and amended to read:

2465 [~~17B-4-506~~]. **17C-2-205. Filing a copy of the urban renewal project area**
2466 **budget.**

2467 Each agency adopting [a] an urban renewal project area budget shall:

2468 (1) within 30 days after adopting the project area budget, file a copy of the project area
2469 budget with the auditor of the county in which the project area is located, the State Tax
2470 Commission, the state auditor, the State Board of Education, and each taxing entity affected by
2471 the agency's collection of tax increment under the project area budget; and

2472 (2) if the project area budget allocates tax increment for housing under Section
2473 [~~17B-4-1010~~] 17C-1-412, file a copy of the project area budget with the loan fund board.

2474 Section ~~H~~→ [68] 69 ←~~H~~ . Section **17C-2-206**, which is renumbered from Section
2474a 17B-4-507 is

2475 renumbered and amended to read:

2476 ~~[17B-4-507].~~ 17C-2-206. **Amending an urban renewal project area**

2477 **budget.**

2478 (1) ~~[Subject to Subsection (5), an]~~ An agency may by resolution amend ~~[a]~~ an urban

2479 renewal project area budget as provided in this section.

2480 (2) To amend an adopted urban renewal project area budget, the agency shall:

2481 (a) advertise and hold one public hearing on the proposed amendment as provided in

2482 Subsection (3);

2483 (b) obtain the approval of the taxing entity committee if the agency was required under

2484 Section ~~[17B-4-505]~~ 17C-2-204 to obtain the consent of the taxing entity committee for the

2485 project area budget as originally adopted; and

2486 (c) adopt a resolution amending the project area budget.

2487 (3) The public hearing required under Subsection (2)(a) shall be conducted according

2488 to the procedures and requirements of ~~[Sections 17B-4-501 and 17B-4-502]~~ Subsections

2489 17C-2-201(2)(c) and (d), except that if the amended project area budget proposes that the

2490 agency be paid a greater proportion of tax increment from a project area than was to be paid

2491 under the previous project area budget, the ~~[advertisement]~~ notice shall state the percentage

2492 paid under the previous project area budget and the percentage proposed under the amended

2493 project area budget.

2494 (4) If a proposed amendment is not adopted, the agency shall continue to operate under

2495 the previously adopted project area budget without the proposed amendment.

2496 ~~[(5) A project area budget may not be amended after March 21, 2005, if the~~

2497 ~~amendment provides for the agency to receive tax increment for a longer period of time than~~

2498 ~~allowed under the project area budget without the amendment.]~~

2499 Section ~~H~~→ [69] 70 ←~~H~~ . Section **17C-2-301**, which is renumbered from Section

2499a 17B-4-602 is

2500 renumbered and amended to read:

2501 **Part 3. Blight Determination in Urban Renewal Project Areas**

2502 ~~[17B-4-602].~~ 17C-2-301. **Blight study -- Requirements -- Deadline.**

2503 (1) Each blight study required under Subsection ~~[17B-4-601]~~ 17C-2-102(1)(a)(i) shall:

2504 (a) undertake a parcel by parcel survey of the survey area;

2505 ~~[(a)]~~ (b) provide data so the board and taxing entity committee may determine:

2506 (i) whether the conditions described in [~~Subsections 17B-4-604(1)(a)(i) and (ii)~~
2507 Subsection 17C-2-303(1):
2508 (A) exist in part or all of the survey area; and
2509 [~~(ii) whether the factors listed in Subsection 17B-4-604(1)(a)(iii) are present in the~~
2510 ~~survey area; and]~~
2511 (B) qualify an area within the survey area as a project area; and
2512 [~~(iii)~~ (ii) whether the survey area contains all or part of a superfund site;
2513 [~~(b)~~ (c) include a written report setting forth:
2514 (i) the conclusions reached; [~~and~~]
2515 (ii) any recommended area within the survey area qualifying as a project area; and
2516 [~~(ii)~~ (iii) any other information requested by the agency to determine whether [~~a~~
2517 ~~redevelopment]~~ an urban renewal project area is feasible; and
2518 [~~(c)~~ (d) be completed within one year after the adoption of the survey area resolution.
2519 (2) (a) If a blight study is not completed within one year after the adoption of the
2520 resolution under Subsection [~~17B-4-401(1)(a)~~ 17C-2-101(1) designating a survey area, the
2521 agency may not approve [~~a redevelopment]~~ an urban renewal project area plan based on that
2522 blight study unless it first adopts a new resolution under Subsection [~~17B-4-401(1)(a)~~
2523 17C-2-101(1).
2524 (b) A new resolution under Subsection (2)(a) shall in all respects be considered to be a
2525 resolution under Subsection [~~17B-4-401(1)(a)~~ 17C-2-101(1) adopted for the first time, except
2526 that any actions taken toward completing a blight study under the resolution that the new
2527 resolution replaces shall be considered to have been taken under the new resolution.
2528 Section ~~H~~ → [70] 71 ← ~~H~~ . Section **17C-2-302**, which is renumbered from Section
2528a 17B-4-603 is
2529 renumbered and amended to read:
2530 [~~17B-4-603~~]. **17C-2-302. Blight hearing -- Owners may review evidence of**
2531 **blight.**
2532 (1) In each hearing required under Subsection [~~17B-4-601(1)(c)~~ 17C-2-102(1)(a)(iii),
2533 the agency shall:
2534 (a) permit all evidence of the existence or nonexistence of blight within the proposed
2535 [~~redevelopment]~~ urban renewal project area to be presented; and
2536 (b) permit each record owner of property located within the proposed [~~redevelopment]~~

2537 urban renewal project area or the record property owner's representative the opportunity to:

2538 (i) examine and cross-examine witnesses providing evidence of the existence or
2539 nonexistence of blight; and

2540 (ii) present evidence and testimony, including expert testimony, concerning the
2541 existence or nonexistence of blight.

2542 (2) The agency shall allow record owners of property located within a proposed
2543 [~~redevelopment~~] urban renewal project area the opportunity, for at least 30 days before the
2544 hearing, to review the evidence of blight compiled by the agency or by the person or firm
2545 conducting the blight study for the agency, including any expert report.

2546 Section ~~H~~→ [71] 72 ←~~H~~ . Section **17C-2-303**, which is renumbered from Section
2546a 17B-4-604 is
2547 renumbered and amended to read:

2548 [~~17B-4-604~~]. **17C-2-303. Conditions on board determination of blight --**
2549 **Conditions of blight caused by the developer.**

2550 (1) An agency board may not make a finding of blight in a resolution under [Section
2551 ~~17B-4-604~~] Subsection 17C-2-102(1) unless the board finds that [~~the redevelopment project~~
2552 ~~area~~]:

2553 [~~(a) (i) contains buildings or improvements used or intended to be used for residential,~~
2554 ~~commercial, industrial, or other urban purposes, or any combination of those uses;~~]

2555 [~~(ii) contains buildings or improvements on at least 50% of the number of parcels of~~
2556 ~~private real property whose acreage is at least 50% of the acreage of the private real property~~
2557 ~~within the proposed redevelopment project area; and]~~

2558 [~~(iii) is unfit or unsafe to occupy or may be conducive to ill health, transmission of~~
2559 ~~disease, infant mortality, juvenile delinquency, or crime because of any three or more of the~~
2560 ~~following factors:]~~

2561 [~~(A) defective character of physical construction;~~]

2562 [~~(B) high density of population or overcrowding;~~]

2563 [~~(C) inadequate ventilation, light, or spacing between buildings;~~]

2564 [~~(D) mixed character and shifting of uses, resulting in obsolescence, deterioration, or~~
2565 ~~dilapidation;~~]

2566 [~~(E) economic deterioration or continued disuse;~~]

2567 [~~(F) lots of irregular shape or inadequate size for proper usefulness and development;~~

2568 ~~or laying out of lots in disregard of the contours and other physical characteristics of the ground~~
2569 ~~and surrounding conditions;]~~

2570 ~~[(G) inadequate sanitation or public facilities which may include streets, open spaces,~~
2571 ~~and utilities;]~~

2572 ~~[(H) areas that are subject to being submerged by water; and]~~

2573 ~~[(F) existence of any hazardous or solid waste, defined as any substance defined,~~
2574 ~~regulated, or listed as a hazardous substance, hazardous material, hazardous waste, toxic waste,~~
2575 ~~pollutant, contaminant, or toxic substance, or identified as hazardous to human health or the~~
2576 ~~environment under state or federal law or regulation; or]~~

2577 (a) (i) the proposed project area consists predominantly of nongreenfield parcels;

2578 (ii) the proposed project area is currently zoned for urban purposes and generally
2579 served by utilities;

2580 (iii) at least 50% of the parcels within the proposed project area contain nonagricultural
2581 or nonaccessory buildings or improvements used or intended for residential, commercial,
2582 industrial, or other urban purposes, or any combination of those uses;

2583 (iv) the present condition or use of the proposed project area substantially impairs the
2584 sound growth of the municipality, retards the provision of housing accommodations, or
2585 constitutes an economic liability or is detrimental to the public health, safety, or welfare, as
2586 shown by the existence within the proposed project area of at least four of the following
2587 factors:

2588 (A) one of the following, although sometimes interspersed with well maintained
2589 buildings and infrastructure:

2590 (I) substantial physical dilapidation, deterioration, or defective construction of
2591 buildings or infrastructure; or

2592 (II) significant noncompliance with current building code, safety code, health code, or
2593 fire code requirements or local ordinances;

2594 (B) unsanitary or unsafe conditions in the proposed project area that threaten the
2595 health, safety, or welfare of the community;

2596 (C) environmental hazards, as defined in state or federal law, that require remediation
2597 as a condition for current or future use and development;

2598 (D) excessive vacancy, abandoned buildings, or vacant lots within an area zoned for

2599 urban use and served by utilities;

2600 (E) abandoned or outdated facilities that pose a threat to public health, safety, or
 2601 welfare;

2602 (F) criminal activity in the project area, higher than that of comparable nonblighted
 2603 areas in the municipality or county; and

2604 (G) defective or unusual conditions of title rendering the title nonmarketable; and

2605 (v) (A) at least 50% of the parcels within the proposed project area are affected by at
 2606 least one of the factors, but not necessarily the same factor, listed in Subsection (1)(a)(iv); and

2607 (B) the affected parcels comprise at least 66% of the acreage of the proposed project
 2608 area; or

2609 (b) [is] the proposed project area includes some or all of a superfund site.

2610 (2) No single parcel comprising 10% or more of the acreage of the proposed project
 2611 area may be counted as satisfying Subsection (1)(a)(iii) or (iv) unless at least 50% of the area of
 2612 that parcel is occupied by buildings or improvements.

2613 ~~[(2)]~~ (3) (a) For purposes of Subsection (1), if a developer involved in the
 2614 [redevelopment] urban renewal project [causes] has caused a condition listed in Subsection
 2615 (1)(a)[(iii)](iv) within the proposed project area, [the] that condition [caused by the developer]
 2616 may not be used in the determination of blight.

2617 (b) Subsection ~~[(2)]~~ (3)(a) does not apply to a condition that was caused by an owner or
 2618 tenant who becomes a developer [under Section 17B-4-901].

2619 Section ~~H~~ → [72] 73 ← H . Section **17C-2-304**, which is renumbered from Section
 2619a 17B-4-605 is

2620 renumbered and amended to read:

2621 ~~[17B-4-605].~~ **17C-2-304. Challenging a finding of blight -- Time limit -- De**
 2622 **novo review.**

2623 (1) If the board makes a finding of blight under ~~[Section 17B-4-601]~~ Subsection
 2624 17C-2-102(1) and that finding is approved by resolution adopted by the taxing entity
 2625 committee, a record owner of property located within the proposed ~~[redevelopment]~~ urban
 2626 renewal project area may challenge the finding by filing an action with the district court for the
 2627 county in which the property is located.

2628 (2) Each challenge under Subsection (1) shall be filed within 30 days after the taxing
 2629 entity committee approves the board's finding of blight.

2630 (3) In each action under this section[~~-(a)~~], the district court shall review [~~de novo~~] the
 2631 finding of blight[~~and~~] under the standards of review provided in Subsection 10-9a-801(3).

2632 [~~(b) the agency maintains the burden of proof regarding the existence of blight.~~]

2633 Section ~~H~~→ [73] 74 ←~~H~~ . Section **17C-2-401**, which is renumbered from Section
 2633a 17B-4-801 is
 2634 renumbered and amended to read:

2635 **Part 4. Urban Renewal Hearings**

2636 [~~17B-4-801~~]. **17C-2-401. Combining hearings.**

2637 A board may combine[~~-(1)~~] any combination of a blight hearing [~~with a public input~~
 2638 ~~hearing, and (2)~~], a plan hearing [~~with~~], and a budget hearing.

2639 Section ~~H~~→ [74] 75 ←~~H~~ . Section **17C-2-402**, which is renumbered from Section
 2639a 17B-4-802 is
 2640 renumbered and amended to read:

2641 [~~17B-4-802~~]. **17C-2-402. Continuing a hearing.**

2642 [~~Pursuant to the provisions of Section 17B-4-705~~] Subject to Section 17C-2-403, the
 2643 board may continue from time to time a:

2644 (1) blight hearing;

2645 [~~(2) public input hearing;~~]

2646 [~~(3) combined blight hearing and plan hearing under Subsection 17B-4-801(1);~~]

2647 [~~(4)~~] (2) plan hearing;

2648 [~~(5)~~] (3) budget hearing; or

2649 [~~(6)~~] (4) combined [~~plan~~] hearing [~~and budget hearing~~] under [~~Subsection~~
 2650 ~~17B-4-801(2)~~] Section 17C-2-401.

2651 Section ~~H~~→ [75] 76 ←~~H~~ . Section **17C-2-403**, which is renumbered from Section
 2651a 17B-4-705 is
 2652 renumbered and amended to read:

2653 [~~17B-4-705~~]. **17C-2-403. Notice required for continued hearing.**

2654 The board shall give notice of a hearing continued under Section [~~17B-4-802~~]
 2655 17C-2-402 by announcing at the hearing:

2656 (1) the date, time, and place the hearing will be resumed; or

2657 (2) that it is being continued to a later time and causing a notice of the continued
 2658 hearing to be:

2659 (a) published once in a newspaper of general circulation within the agency boundaries
 2660 at least seven days before the hearing is scheduled to resume; or

2661 (b) if there is no newspaper of general circulation, posted in at least three conspicuous
2662 places within the boundaries of the agency in which the project area or proposed project area is
2663 located.

2664 Section ~~H~~→ [76] 77 ←~~H~~ . Section 17C-2-501, which is renumbered from Section
2664a 17B-4-701 is
2665 renumbered and amended to read:

2666 **Part 5. Urban Renewal Notice Requirements**

2667 ~~[17B-4-701].~~ **17C-2-501. Agency to provide notice of hearings.**

2668 (1) Each agency shall provide notice, as provided in this part, of each:

2669 (a) blight hearing;

2670 [~~(b)~~ ~~public input hearing;~~]

2671 [~~(c)~~] (b) plan hearing; and

2672 [~~(d)~~] (c) budget hearing.

2673 (2) [~~(a)~~] The notice required under Subsection (1) for [~~a blight hearing~~] any of the
2674 hearings listed in that subsection may be combined with the notice required for [~~a public input~~
2675 ~~hearing if those two~~] any of the other hearings if the hearings are combined under [~~Subsection~~
2676 ~~17B-4-801(1)~~] Section 17C-2-401.

2677 [~~(b)~~ ~~The notice required under Subsection (1) for a plan hearing may be combined with~~
2678 ~~the notice required for a budget hearing if those two hearings are combined under Subsection~~
2679 ~~17B-4-801(2).~~]

2680 Section ~~H~~→ [77] 78 ←~~H~~ . Section 17C-2-502, which is renumbered from Section
2680a 17B-4-702 is
2681 renumbered and amended to read:

2682 ~~[17B-4-702].~~ **17C-2-502. Requirements for notice provided by agency.**

2683 (1) The notice required by Section [~~17B-4-701~~] 17C-2-501 shall be given by:

2684 (a) (i) publishing one notice, excluding the map referred to in Subsection [~~(2)~~] (3)(b),
2685 in a newspaper of general circulation within the county in which the project area or proposed
2686 project area is located, at least [~~once a week for the four successive weeks immediately~~
2687 ~~preceding~~] 14 days before the hearing; or

2688 (ii) if there is no newspaper of general circulation, posting notice at least 14 days
2689 before the hearing in at least three conspicuous places within the county in which the project
2690 area or proposed project area is located; and

2691 (b) at least 30 days before the hearing:

2692 (i) ~~[sending]~~ mailing notice ~~[by certified mail]~~ to~~[(A)]~~ each ~~[assessment]~~ record
2693 owner of property located within the project area or proposed project area; and
2694 ~~[(B) each assessment owner of property located outside but within 300 feet of the~~
2695 ~~project area or proposed project area;]~~
2696 (ii) mailing notice to:
2697 (A) the State Tax Commission;
2698 (B) the assessor and auditor of the county in which the project area or proposed project
2699 area is located; and
2700 (C) (I) each member of the taxing entity committee; or
2701 (II) if a taxing entity committee has not yet been formed, the State Board of Education
2702 and the legislative body or governing board of each taxing entity.
2703 (2) The mailing of the notice to record property owners required under Subsection
2704 (1)(b)(i) shall be conclusively considered to have been properly completed if:
2705 (a) the agency mails the notice to the property owners as shown in the records,
2706 including an electronic database, of the county recorder's office and at the addresses shown in
2707 those records; and
2708 (b) the county recorder's office records used by the agency in identifying owners to
2709 whom the notice is mailed and their addresses were obtained or accessed from the county
2710 recorder's office no earlier than 30 days before the mailing.
2711 ~~[(2)]~~ (3) The agency shall include in each notice required under Section ~~[17B-4-701]~~
2712 17C-2-501:
2713 (a) (i) a specific description of the boundaries of the project area or proposed project
2714 area; or
2715 (ii) (A) a mailing address or telephone number where a person may request that a copy
2716 of the description be sent at no cost to the person by mail or facsimile transmission; and
2717 (B) if the agency has an Internet website, an Internet address where a person may gain
2718 access to an electronic, printable copy of the description;
2719 (b) a map of the boundaries of the project area or proposed project area;
2720 (c) an explanation of the purpose of the hearing; and
2721 (d) a statement of the date, time, and location of the hearing.
2722 ~~[(3)]~~ (4) The agency shall include in each notice under Subsection (1)(b)(ii):

2723 (a) a statement that property tax revenues resulting from an increase in valuation of
 2724 property within the project area or proposed project area will be paid to the agency for
 2725 ~~[redevelopment, economic development, or education housing development]~~ urban renewal
 2726 purposes rather than to the taxing entity to which the tax revenues would otherwise have been
 2727 paid if:

2728 (i) a majority of the taxing entity committee consents to the project area budget; and

2729 (ii) the project area plan provides for the agency to receive tax increment; and

2730 (b) an invitation to the recipient of the notice to submit to the agency comments

2731 concerning the subject matter of the hearing before the date of the hearing.

2732 ~~[(4)]~~ (5) An agency may include in a notice under Subsection (1) any other information
 2733 the agency considers necessary or advisable, including the public purpose served by the project
 2734 and any future tax benefits expected to result from the project.

2735 Section ~~H~~→ [78] 79 ←~~H~~ . Section **17C-2-503**, which is renumbered from Section
 2735a 17B-4-703 is

2736 renumbered and amended to read:

2737 ~~[17B-4-703].~~ **17C-2-503. Additional requirements for notice of a blight**
 2738 **hearing.**

2739 ~~[(1) The first notice to an assessment owner of property within a proposed~~
 2740 ~~redevelopment project area for a public input hearing, blight hearing, or combined public input~~
 2741 ~~and blight hearing under Subsection 17B-4-801(1) shall include the statement required by~~
 2742 ~~Section 17B-4-902.]~~

2743 ~~[(2)]~~ Each notice under Section ~~[17B-4-702]~~ 17C-2-502 for a blight hearing shall
 2744 include a statement that:

2745 ~~[(a)]~~ (1) ~~[a redevelopment]~~ an urban renewal project area is being proposed;

2746 ~~[(b)]~~ (2) the proposed ~~[redevelopment]~~ urban renewal project area may be declared to
 2747 have blight;

2748 ~~[(c)]~~ (3) the record owner of property within the proposed project area has the right to
 2749 present evidence at the blight hearing contesting the existence of blight;

2750 ~~[(d)]~~ (4) except for a hearing continued under Section 17C-2-402, the agency will
 2751 notify the ~~[assessment]~~ record property owners referred to in Subsection ~~[17B-4-702]~~

2752 17C-2-502(1)(b)(i) of each additional public hearing held by the agency concerning the

2753 ~~[redevelopment]~~ urban renewal project prior to the adoption of the ~~[redevelopment]~~ urban

2754 renewal project area plan; and

2755 ~~[(e)]~~ (5) persons contesting the existence of blight in the proposed [~~redevelopment~~]

2756 urban renewal project area may appear before the agency board and show cause why the

2757 proposed [~~redevelopment~~] urban renewal project area should not be designated as [~~a~~

2758 ~~redevelopment~~] an urban renewal project area.

2759 Section ~~H~~→ [79] 80 ←~~H~~ . Section 17C-2-504, which is renumbered from Section

2759a 17B-4-704 is

2760 renumbered and amended to read:

2761 ~~[17B-4-704].~~ 17C-2-504. Additional requirements for notice of a plan

2762 hearing.

2763 Each notice under Section [~~17B-4-702~~] 17C-2-502 of a plan hearing shall include:

2764 (1) a statement that any person objecting to the draft project area plan or contesting the

2765 regularity of any of the proceedings to adopt it may appear before the agency board at the

2766 hearing to show cause why the draft project area plan should not be adopted; and

2767 (2) a statement that the proposed project area plan is available for inspection at the

2768 agency offices.

2769 Section ~~H~~→ [80] 81 ←~~H~~ . Section 17C-2-505, which is renumbered from Section

2769a 17B-4-502 is

2770 renumbered and amended to read:

2771 ~~[17B-4-502].~~ 17C-2-505. Additional requirements for notice of a budget

2772 hearing.

2773 [~~(1) Each display advertisement published under Subsection 17B-4-501(2)(d) shall~~

2774 ~~appear in a portion of the newspaper other than where legal notices and classified~~

2775 ~~advertisements appear.]~~

2776 [(2)] Each [~~display advertisement published and~~] notice [~~posted~~] under [~~Subsection~~

2777 ~~17B-4-501(2)(d)] Section 17C-2-502 of a budget hearing shall contain:~~

2778 [~~(a)] (1) the following statement:~~

2779 ["NOTICE OF BUDGET HEARING FOR (NAME OF PROJECT AREA)"]

2780 "The (name of agency) has requested \$_____ in property tax revenues that will be

2781 generated by development within the (name of project area) to fund a portion of project costs

2782 within the (name of project area). These property tax revenues will be used for the following:

2783 (list major budget categories and amounts). These property taxes will be taxes levied by the

2784 following governmental entities, and, assuming current tax rates, the taxes paid to the agency

2785 for this project area from each taxing entity will be as follows: (list each taxing entity levying
2786 taxes and the amount of total taxes that would be paid from each taxing entity). All of the
2787 property taxes to be paid to the agency for the development in the project area are taxes that
2788 will be generated only if the project area is developed.

2789 All concerned citizens are invited to attend the project area budget hearing scheduled
2790 for (date, time, and place of hearing). A copy of the (name of project area) project area budget
2791 is available at the offices of (name of agency and office address)."; and

2792 [(b)] (2) other information that the agency considers appropriate.

2793 Section ~~H~~→ [81] 82 ←~~H~~ . Section 17C-3-101 is enacted to read:

2794 **CHAPTER 3. ECONOMIC DEVELOPMENT**

2795 **Part 1. Economic Development Project Area Plan**

2796 **17C-3-101. Resolution authorizing the preparation of a draft economic**
2797 **development project area plan -- Request to adopt resolution.**

2798 (1) An agency board may begin the process of adopting an economic development
2799 project area plan by adopting a resolution that authorizes the preparation of a draft project area
2800 plan.

2801 (2) (a) Any person or any group, association, corporation, or other entity may submit a
2802 written request to the board to adopt a resolution under Subsection (1).

2803 (b) A request under Subsection (2)(a) may include plans showing the economic
2804 development proposed for an area within the agency's boundaries.

2805 (c) The board may, in its sole discretion, grant or deny a request under Subsection
2806 (2)(a).

2807 Section ~~H~~→ [82] 83 ←~~H~~ . Section 17C-3-102 is enacted to read:

2808 **17C-3-102. Process for adopting an economic development project area plan --**
2809 **Prerequisites -- Restrictions.**

2810 (1) In order to adopt an economic development project area plan, after adopting a
2811 resolution under Subsection 17C-3-101(1) the agency shall:

2812 (a) prepare a draft of an economic development project area plan and conduct any
2813 examination, investigation, and negotiation regarding the project area plan that the agency
2814 considers appropriate;

2815 (b) make the draft project area plan available to the public at the agency's offices

2816 during normal business hours;
2817 (c) provide notice of the plan hearing as provided in Part 4, Economic Development
2818 Notice Requirements;
2819 (d) hold a public hearing on the draft project area plan and, at that public hearing:
2820 (i) allow public comment on:
2821 (A) the draft project area plan; and
2822 (B) whether the draft project area plan should be revised, approved, or rejected; and
2823 (ii) receive all written and hear all oral objections to the draft project area plan;
2824 (e) before holding the plan hearing, provide an opportunity for the State Board of
2825 Education and each taxing entity that levies a tax on property within the proposed project area
2826 to consult with the agency regarding the draft project area plan;
2827 (f) after holding the plan hearing, at the same meeting or at a subsequent meeting
2828 consider:
2829 (i) the oral and written objections to the draft project area plan and evidence and
2830 testimony for or against adoption of the draft project area plan; and
2831 (ii) whether to revise, approve, or reject the draft project area plan;
2832 (g) approve the draft project area plan, with or without revisions, as the project area
2833 plan by a resolution that complies with Section 17C-3-105; and
2834 (h) submit the project area plan to the community legislative body for adoption.
2835 (2) An agency may not propose a project area plan under Subsection (1) unless the
2836 community in which the proposed project area is located:
2837 (a) has a planning commission; and
2838 (b) has adopted a general plan under:
2839 (i) if the community is a city or town, Title 10, Chapter 9a, Part 4, General Plan; or
2840 (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.
2841 (3) An agency board may not approve a project area plan more than one year after the
2842 date of the plan hearing.
2843 (4) (a) Except as provided in Subsection (4)(b), a draft project area plan may not be
2844 modified to add real property to the proposed project area unless the board holds a plan hearing
2845 to consider the addition and gives notice of the plan hearing as required under Part 4,
2846 Economic Development Notice Requirements.

2847 (b) The notice and hearing requirements under Subsection (4)(a) do not apply to a draft
2848 project area plan being modified to add real property to the proposed project area if:

2849 (i) the property is contiguous to the property already included in the proposed project
2850 area under the draft project area plan; and

2851 (ii) the record owner of the property consents to adding the real property to the
2852 proposed project area.

2853 Section ~~H~~→ [83] 84 ←~~H~~ . Section 17C-3-103 is enacted to read:

2854 **17C-3-103. Economic development project area plan requirements.**

2855 (1) Each economic development project area plan and draft project area plan shall:

2856 (a) describe the boundaries of the project area ~~H~~→ , **subject to Section 17C-1-414, if**
2856a **applicable ←~~H~~ ;**

2857 (b) contain a general statement of the land uses, layout of principal streets, population
2858 densities, and building intensities of the project area and how they will be affected by the
2859 economic development;

2860 (c) state the standards that will guide the economic development;

2861 (d) show how the purposes of this title will be attained by the economic development;

2862 (e) be consistent with the general plan of the community in which the project area is
2863 located and show that the economic development will conform to the community's general
2864 plan;

2865 (f) describe how the economic development will create additional jobs;

2866 (g) describe any specific project or projects that are the object of the proposed
2867 economic development;

2868 (h) identify how private developers, if any, will be selected to undertake the economic
2869 development and identify each private developer currently involved in the economic
2870 development process;

2871 (i) state the reasons for the selection of the project area;

2872 (j) describe the physical, social, and economic conditions existing in the project area;

2873 (k) describe any tax incentives offered private entities for facilities located in the
2874 project area;

2875 (l) include an analysis, as provided in Subsection (2), of whether adoption of the
2876 project area plan is beneficial under a benefit analysis;

2877 (m) if any of the existing buildings or uses in the project area are included in or eligible

2878 for inclusion in the National Register of Historic Places or the State Register, state that the
 2879 agency shall comply with Subsection 9-8-404(1) as though the agency were a state agency; and

2880 (n) include other information that the agency determines to be necessary or advisable.

2881 (2) Each analysis under Subsection (1)(l) shall consider:

2882 (a) the benefit of any financial assistance or other public subsidy proposed to be
 2883 provided by the agency, including:

2884 (i) an evaluation of the reasonableness of the costs of economic development;

2885 (ii) efforts the agency or developer has made or will make to maximize private
 2886 investment;

2887 (iii) the rationale for use of tax increment, including an analysis of whether the
 2888 proposed development might reasonably be expected to occur in the foreseeable future solely
 2889 through private investment; and

2890 (iv) an estimate of the total amount of tax increment that will be expended in
 2891 undertaking economic development and the length of time for which it will be expended; and

2892 (b) the anticipated public benefit to be derived from the economic development,
 2893 including:

2894 (i) the beneficial influences upon the tax base of the community;

2895 (ii) the associated business and economic activity likely to be stimulated; and

2896 (iii) the number of jobs or employment anticipated to be generated or preserved.

2897 Section ~~H~~→ [84] 85 ←~~H~~ . Section 17C-3-104 is enacted to read:

2898 **17C-3-104. Existing and historic buildings and uses in an economic development**
 2899 **project area.**

2900 If any of the existing buildings or uses in an economic development project area are
 2901 included in or eligible for inclusion in the National Register of Historic Places or the State
 2902 Register, the agency shall comply with Subsection 9-8-404(1) as though the agency were a state
 2903 agency.

2904 Section ~~H~~→ [85] 86 ←~~H~~ . Section 17C-3-105 is enacted to read:

2905 **17C-3-105. Board resolution approving an economic development project area**
 2906 **plan -- Requirements.**

2907 Each board resolution approving a draft economic development project area plan as the
 2908 project area plan under Subsection 17C-3-102(1)(g) shall contain:

2909 (1) a legal description of the boundaries of the project area that is the subject of the
2910 project area plan;

2911 (2) the agency's purposes and intent with respect to the project area;

2912 (3) the project area plan incorporated by reference; and

2913 (4) the board findings and determinations that:

2914 (a) there is a need to effectuate a public purpose;

2915 (b) there is a public benefit under the analysis described in Subsection 17C-3-103(2);

2916 (c) it is economically sound and feasible to adopt and carry out the project area plan;

2917 (d) the project area plan conforms to the community's general plan; and

2918 (e) carrying out the project area plan will promote the public peace, health, safety, and
2919 welfare of the community in which the project area is located.

2920 Section ~~H~~→ [86] 87 ←~~H~~ . Section 17C-3-106 is enacted to read:

2921 **17C-3-106. Economic development project area plan to be adopted by community**
2922 **legislative body.**

2923 (1) An economic development project area plan approved by board resolution under
2924 Subsection 17C-3-102(1)(g) may not take effect until it has been adopted by ordinance of the
2925 legislative body of the community that created the agency and notice under Section 17C-3-107
2926 is provided.

2927 (2) Each ordinance under Subsection (1) shall:

2928 (a) be adopted by the community legislative body after the board's approval of a
2929 resolution under Subsection 17C-3-102(1)(g); and

2930 (b) designate the approved project area plan as the official economic development plan
2931 of the project area.

2932 Section ~~H~~→ [87] 88 ←~~H~~ . Section 17C-3-107 is enacted to read:

2933 **17C-3-107. Notice of economic development project area plan adoption --**
2934 **Effective date of plan -- Contesting the formation of the plan.**

2935 (1) (a) Upon the community legislative body's adoption of an economic development
2936 project area plan, the legislative body shall provide notice as provided in Subsection (1)(b) by:

2937 (i) publishing or causing to be published a notice in a newspaper of general circulation
2938 within the agency's boundaries; or

2939 (ii) if there is no newspaper of general circulation within the agency's boundaries,

2940 causing a notice to be posted in at least three public places within the agency's boundaries.

2941 (b) Each notice under Subsection (1)(a) shall:

2942 (i) set forth the community legislative body's ordinance adopting the project area plan
2943 or a summary of the ordinance; and

2944 (ii) include a statement that the project area plan is available for general public
2945 inspection and the hours for inspection.

2946 (2) The project area plan shall become effective on the date of:

2947 (a) if notice was published under Subsection (1)(a), publication of the notice; or

2948 (b) if notice was posted under Subsection (1)(a), posting of the notice.

2949 (3) (a) For a period of 30 days after the effective date of the project area plan under
2950 Subsection (2), any person in interest may contest the project area plan or the procedure used to
2951 adopt the project area plan if the plan or procedure fails to comply with applicable statutory
2952 requirements.

2953 (b) After the 30-day period under Subsection (3)(a) expires, no person may contest the
2954 project area plan or procedure used to adopt the project area plan for any cause.

2955 (4) Upon adoption of the economic development project area plan by the community's
2956 legislative body, the agency may carry out the project area plan.

2957 (5) Each agency shall make the adopted economic development project area plan
2958 available to the general public at its offices during normal business hours.

2959 Section ~~Ĥ~~→ [88] 89 ←Ĥ . Section 17C-3-108 is enacted to read:

2960 **17C-3-108. Agency required to transmit and record documents after adoption of**
2961 **economic development project area plan.**

2962 Within 30 days after the community legislative body adopts, under Section 17C-3-106,
2963 an economic development project area plan, the agency shall:

2964 (1) record with the recorder of the county in which the economic development project
2965 area is located a document containing:

2966 (a) a description of the land within the project area;

2967 (b) a statement that the project area plan for the project area has been adopted; and

2968 (c) the date of adoption;

2969 (2) transmit a copy of the description of the land within the project area and an accurate
2970 map or plat indicating the boundaries of the project area to the Automated Geographic

2971 Reference Center created under Section 63F-1-506; and

2972 (3) for a project area plan that provides for the payment of tax increment to the agency,
2973 transmit a copy of the description of the land within the project area, a copy of the community
2974 legislative body ordinance adopting the project area plan, and a map or plat indicating the
2975 boundaries of the project area to:

2976 (a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any
2977 part of the project area is located;

2978 (b) the officer or officers performing the function of auditor or assessor for each taxing
2979 entity that does not use the county assessment roll or collect its taxes through the county;

2980 (c) the legislative body or governing board of each taxing entity;

2981 (d) the State Tax Commission; and

2982 (e) the State Board of Education.

2983 Section ~~H~~→ [89] 90 ←~~H~~ . Section 17C-3-109 is enacted to read:

2984 **17C-3-109. Amending an economic development project area plan.**

2985 (1) An adopted economic development project area plan may be amended as provided
2986 in this section.

2987 (2) If an agency proposes to amend an adopted economic development project area
2988 plan to enlarge the project area:

2989 (a) the requirements under this part that apply to adopting a project area plan apply
2990 equally to the proposed amendment as if it were a proposed project area plan;

2991 (b) the base year taxable value for the new area added to the project area shall be
2992 determined under Subsection 17C-1-102(6)(b) using the date of the taxing entity committee's
2993 consent referred to in Subsection (2)(c); and

2994 (c) the agency shall obtain the consent of the taxing entity committee before the agency
2995 may collect tax increment from the area added to the project area by the amendment.

2996 (3) If a proposed amendment does not propose to enlarge an economic development
2997 project area, an agency board may adopt a resolution approving an amendment to an adopted
2998 project area plan after:

2999 (a) the agency gives notice, as provided in Section 17C-3-402, of the proposed
3000 amendment and of the public hearing required by Subsection (3)(b);

3001 (b) the agency board holds a public hearing on the proposed amendment that meets the

3002 requirements of a plan hearing;

3003 (c) the agency obtains the taxing entity committee's consent to the amendment, if the
 3004 amendment proposes:

3005 (i) to enlarge the area within the project area from which tax increment is collected; or

3006 (ii) to permit the agency to receive a greater percentage of tax increment or to receive
 3007 tax increment for a longer period of time than allowed under the adopted project area plan; and

3008 (d) the agency obtains the consent of the legislative body or governing board of each
 3009 taxing entity affected, if the amendment proposes to permit the agency to receive, from less
 3010 than all taxing entities, a greater percentage of tax increment or to receive tax increment for a
 3011 longer period of time, or both, than allowed under the adopted project area plan.

3012 (4) (a) An adopted project area plan may be amended without complying with the
 3013 notice and public hearing requirements of Subsections (2)(a) and (3)(a) and (b) and without
 3014 obtaining taxing entity committee approval under Subsection (3)(c) if the amendment:

3015 (i) makes a minor adjustment in the legal description of a project area boundary
 3016 requested by a county assessor or county auditor to avoid inconsistent property boundary lines;
 3017 or

3018 (ii) subject to Subsection (4)(b), removes a parcel of real property from a project area
 3019 because the agency determines that inclusion of the parcel is no longer necessary or desirable to
 3020 the project area.

3021 (b) An amendment removing a parcel of real property from a project area under
 3022 Subsection (4)(a) may not be made without the consent of the record property owner of the
 3023 parcel being removed.

3024 (5) (a) An amendment approved by board resolution under this section may not take
 3025 effect until adopted by ordinance of the legislative body of the community in which the project
 3026 area that is the subject of the project area plan being amended is located.

3027 (b) Upon a community legislative body passing an ordinance adopting an amendment
 3028 to a project area plan, the agency whose project area plan was amended shall comply with the
 3029 requirements of Section 17C-3-108 to the same extent as if the amendment were a project area
 3030 plan.

3031 Section ~~H~~→ [90] 91 ←~~H~~ . Section 17C-3-201 is enacted to read:

3032 **Part 2. Economic Development Project Area Budget**

3033 17C-3-201. Economic development project area budget -- Requirements for
3034 adopting -- Contesting the budget or procedure -- Time limit.

3035 (1) If an agency anticipates funding all or a portion of a post-June 30, 1993 economic
3036 development project area plan with tax increment, the agency shall, subject to Section
3037 17C-3-202, adopt a project area budget as provided in this part.

3038 (2) To adopt an economic development project area budget, the agency shall:

3039 (a) prepare a draft of an economic development project area budget;

3040 (b) make a copy of the draft project area budget available to the public at the agency's
3041 offices during normal business hours;

3042 (c) provide notice of the budget hearing as required by Part 4, Economic Development
3043 Notice Requirements;

3044 (d) hold a public hearing on the draft project area budget and, at that public hearing,
3045 allow public comment on:

3046 (i) the draft project area budget; and

3047 (ii) whether the draft project area budget should be revised, adopted, or rejected;

3048 (e) (i) if required under Subsection 17C-3-203(1), obtain the approval of the taxing
3049 entity committee on the draft project area budget or a revised version of the draft project area
3050 budget; or

3051 (ii) if applicable, comply with the requirements of Subsection 17C-3-203(2); and

3052 (f) after the budget hearing, hold a board meeting in the same meeting as the public
3053 hearing or in a subsequent meeting to:

3054 (i) consider comments made and information presented at the public hearing relating to
3055 the draft project area budget; and

3056 (ii) adopt by resolution the draft project area budget, with any revisions, as the project
3057 area budget.

3058 (3) (a) For a period of 30 days after the agency's adoption of the project area budget
3059 under Subsection (2)(f), any person in interest may contest the project area budget or the
3060 procedure used to adopt the project area budget if the budget or procedure fails to comply with
3061 applicable statutory requirements.

3062 (b) After the 30-day period under Subsection (3)(a) expires, no person may contest the
3063 project area budget or procedure used to adopt the project area budget for any cause.

3064 Section ~~H~~→ [91] 92 ←~~H~~ . Section 17C-3-202 is enacted to read:

3065 **17C-3-202. Part of tax increment funds in an economic development project area**
 3066 **budget to be used for housing -- Waiver of requirement.**

3067 (1) (a) Except as provided in Subsection (1)(b), each economic development project
 3068 area budget adopted on or after May 1, 2000 that provides for more than \$100,000 of annual
 3069 tax increment to be paid to the agency shall allocate at least 20% of the tax increment for
 3070 housing as provided in Section 17C-1-412.

3071 (b) The 20% requirement of Subsection (1)(a) may be waived:

3072 (i) in part or whole by the mutual consent of the loan fund board and the taxing entity
 3073 committee if they determine that 20% of tax increment is more than is needed to address the
 3074 community's need for income targeted housing; or

3075 (ii) in fifth and sixth class counties, by the taxing entity committee for economic
 3076 development project area budgets adopted on or after May 1, 2002, if the economic
 3077 development project area consists of an area without housing units.

3078 (2) An economic development project area budget not required under Subsection (1)(a)
 3079 to allocate tax increment for housing may allocate 20% of tax increment payable to the agency
 3080 over the life of the project area for housing as provided in Section 17C-1-412 if the project area
 3081 budget is under a project area plan that is adopted on or after July 1, 1998.

3082 Section ~~H~~→ [92] 93 ←~~H~~ . Section 17C-3-203 is enacted to read:

3083 **17C-3-203. Consent of taxing entity committee required for economic**
 3084 **development project area budget -- Exception.**

3085 (1) (a) Except as provided in Subsection (1)(b) and subject to Subsection (2), each
 3086 agency shall obtain the consent of the taxing entity committee for each economic development
 3087 project area budget under a post-June 30, 1993 economic development project area plan before
 3088 the agency may collect any tax increment from the project area.

3089 (b) For an economic development project area budget adopted from July 1, 1998
 3090 through May 1, 2000 that allocates 20% or more of the tax increment for housing as provided
 3091 in Section 17C-1-412, an agency:

3092 (i) need not obtain the consent of the taxing entity committee for the project area
 3093 budget; and

3094 (ii) may not collect any tax increment from all or part of the project area until after:

3095 (A) the loan fund board has certified the project area budget as complying with the
3096 requirements of Section 17C-1-412; and

3097 (B) the agency board has approved and adopted the project area budget by a two-thirds
3098 vote.

3099 (2) (a) Before a taxing entity committee may consent to an economic development
3100 project area budget adopted on or after May 1, 2000 that is required under Subsection
3101 17C-3-202(1)(a) to allocate 20% of tax increment for housing, the agency shall:

3102 (i) adopt a housing plan showing the uses for the housing funds; and

3103 (ii) provide a copy of the housing plan to the taxing entity committee and the loan fund
3104 board.

3105 (b) If an agency amends a housing plan prepared under Subsection (2)(a), the agency
3106 shall provide a copy of the amendment to the taxing entity committee and the loan fund board.

3107 Section ~~H~~→ [93] 94 ←~~H~~ . Section 17C-3-204 is enacted to read:

3108 **17C-3-204. Filing a copy of the economic development project area budget.**

3109 Each agency adopting an economic development project area budget shall:

3110 (1) within 30 days after adopting the project area budget, file a copy of the project area
3111 budget with the auditor of the county in which the project area is located, the State Tax
3112 Commission, the state auditor, the State Board of Education, and each taxing entity affected by
3113 the agency's collection of tax increment under the project area budget; and

3114 (2) if the project area budget allocates tax increment for housing under Section
3115 17C-1-412, file a copy of the project area budget with the loan fund board.

3116 Section ~~H~~→ [94] 95 ←~~H~~ . Section 17C-3-205 is enacted to read:

3117 **17C-3-205. Amending an economic development project area budget.**

3118 (1) An agency may by resolution amend an economic development project area budget
3119 as provided in this section.

3120 (2) To amend an adopted economic development project area budget, the agency shall:

3121 (a) advertise and hold one public hearing on the proposed amendment as provided in
3122 Subsection (3);

3123 (b) obtain the approval of the taxing entity committee if the agency was required under
3124 Section 17C-3-203 to obtain the consent of the taxing entity committee for the project area
3125 budget as originally adopted; and

3126 (c) adopt a resolution amending the project area budget.

3127 (3) The public hearing required under Subsection (2)(a) shall be conducted according
 3128 to the procedures and requirements of Section 17C-3-201, except that if the amended project
 3129 area budget proposes that the agency be paid a greater proportion of tax increment from a
 3130 project area than was to be paid under the previous project area budget, the notice shall state
 3131 the percentage paid under the previous project area budget and the percentage proposed under
 3132 the amended project area budget.

3133 (4) If a proposed amendment is not adopted, the agency shall continue to operate under
 3134 the previously adopted economic development project area budget without the proposed
 3135 amendment.

3136 Section ~~H~~→ [95] 96 ←~~H~~ . Section 17C-3-301 is enacted to read:

3137 **Part 3. Economic Development Hearings**

3138 **17C-3-301. Combining hearings.**

3139 A board may combine a plan hearing with a budget hearing.

3140 Section ~~H~~→ [96] 97 ←~~H~~ . Section 17C-3-302 is enacted to read:

3141 **17C-3-302. Continuing a hearing.**

3142 Subject to Section 17C-3-303, the board may continue from time to time a:

3143 (1) plan hearing;

3144 (2) budget hearing; or

3145 (3) combined plan hearing and budget hearing under Section 17C-3-301.

3146 Section ~~H~~→ [97] 98 ←~~H~~ . Section 17C-3-303 is enacted to read:

3147 **17C-3-303. Notice required for continued hearing.**

3148 The board shall give notice of a hearing continued under Section 17C-3-302 by
 3149 announcing at the hearing:

3150 (1) the date, time, and place the hearing will be resumed; or

3151 (2) that it is being continued to a later time and causing a notice of the continued
 3152 hearing to be:

3153 (a) published once in a newspaper of general circulation within the agency boundaries
 3154 at least seven days before the hearing is scheduled to resume; or

3155 (b) if there is no newspaper of general circulation, posted in at least three conspicuous
 3156 places within the boundaries of the agency in which the project area or proposed project area is

3157 located.

3158 Section ~~H~~→ [98] 99 ←~~H~~ . Section 17C-3-401 is enacted to read:

3159 **Part 4. Economic Development Notice Requirements**

3160 **17C-3-401. Agency to provide notice of hearings.**

3161 (1) Each agency shall provide notice, as provided in this part, of each:

3162 (a) plan hearing; and

3163 (b) budget hearing.

3164 (2) The notice required under Subsection (1) for a plan hearing may be combined with

3165 the notice required for a budget hearing if those two hearings are combined under Section

3166 17C-3-301.

3167 Section ~~H~~→ [99] 100 ←~~H~~ . Section 17C-3-402 is enacted to read:

3168 **17C-3-402. Requirements for notice provided by agency.**

3169 (1) The notice required by Section 17C-3-401 shall be given by:

3170 (a) (i) publishing one notice, excluding the map referred to in Subsection (3)(b), in a

3171 newspaper of general circulation within the county in which the project area or proposed

3172 project area is located, at least 14 days before the hearing; or

3173 (ii) if there is no newspaper of general circulation, posting notice in at least three

3174 conspicuous places within the county in which the project area or proposed project area is

3175 located; and

3176 (b) at least 30 days before the hearing, mailing notice to:

3177 (i) each record owner of property located within the project area or proposed project

3178 area;

3179 (ii) the State Tax Commission;

3180 (iii) the assessor and auditor of the county in which the project area or proposed project

3181 area is located; and

3182 (iv) (A) each member of the taxing entity committee; or

3183 (B) if a taxing entity committee has not yet been formed, the State Board of Education

3184 and the legislative body or governing board of each taxing entity.

3185 (2) The mailing of notice to record property owners required under Subsection (1)(b)(i)

3186 shall be conclusively considered to have been properly completed if:

3187 (a) the agency mails the notice to the property owners as shown in the records,

3188 including an electronic database, of the county recorder's office and at the addresses shown in
 3189 those records; and

3190 (b) the county recorder's office records used by the agency in identifying owners to
 3191 whom the notice is mailed and their addresses were obtained or accessed from the county
 3192 recorder's office no earlier than 30 days before the mailing.

3193 (3) The agency shall include in each notice required under Section 17C-3-401:

3194 (a) (i) a specific description of the boundaries of the economic development project
 3195 area or proposed project area; or

3196 (ii) (A) a mailing address or telephone number where a person may request that a copy
 3197 of the description be sent at no cost to the person by mail or facsimile transmission; and

3198 (B) if the agency has an Internet website, an Internet address where a person may gain
 3199 access to an electronic, printable copy of the description;

3200 (b) a map of the boundaries of the project area or proposed project area;

3201 (c) an explanation of the purpose of the hearing; and

3202 (d) a statement of the date, time, and location of the hearing.

3203 (4) The agency shall include in each notice under Subsections (1)(b)(ii), (iii), and (iv):

3204 (a) a statement that property tax revenues resulting from an increase in valuation of
 3205 property within the economic development project area or proposed project area will be paid to
 3206 the agency for economic development purposes rather than to the taxing entity to which the tax
 3207 revenues would otherwise have been paid if:

3208 (i) a majority of the taxing entity committee consents to the project area budget; and

3209 (ii) the project area plan provides for the agency to receive tax increment; and

3210 (b) an invitation to the recipient of the notice to submit to the agency comments
 3211 concerning the subject matter of the hearing before the date of the hearing.

3212 (5) An agency may include in a notice under Subsection (1) any other information the
 3213 agency considers necessary or advisable, including the public purpose served by the project and
 3214 any future tax benefits expected to result from the project.

3215 Section ~~H~~→ [100] 101 ←~~H~~ . Section 17C-3-403 is enacted to read:

3216 **17C-3-403. Additional requirements for notice of a plan hearing.**

3217 Each notice under Section 17C-3-402 of a plan hearing shall include:

3218 (1) a statement that any person objecting to the draft project area plan or contesting the

3219 regularity of any of the proceedings to adopt it may appear before the agency board at the
 3220 hearing to show cause why the draft project area plan should not be adopted; and
 3221 (2) a statement that the proposed economic development project area plan is available
 3222 for inspection at the agency offices.

3223 Section ~~H~~→ [101] 102 ←~~H~~ . Section 17C-3-404 is enacted to read:

3224 **17C-3-404. Additional requirements for notice of a budget hearing.**

3225 Each notice under Subsection 17C-3-201(2)(c) of a budget hearing shall contain:

3226 (1) the following statement:

3227 "The (name of agency) has requested \$ _____ in property tax revenues that will be
 3228 generated by development within the (name of project area) to fund a portion of project costs
 3229 within the (name of project area). These property tax revenues will be used for the following:
 3230 (list major budget categories and amounts). These property taxes will be taxes levied by the
 3231 following governmental entities, and, assuming current tax rates, the taxes paid to the agency
 3232 for this project area from each taxing entity will be as follows: (list each taxing entity levying
 3233 taxes and the amount of total taxes that would be paid from each taxing entity). All of the
 3234 property taxes to be paid to the agency for the economic development in the project area are
 3235 taxes that will be generated only if the project area is developed.

3236 All concerned citizens are invited to attend the project area budget hearing scheduled
 3237 for (date, time, and place of hearing). A copy of the (name of project area) project area budget
 3238 is available at the offices of (name of agency and office address)."; and

3239 (2) other information that the agency considers appropriate.

3240 Section ~~H~~→ [102] 103 ←~~H~~ . Section 17C-4-101 is enacted to read:

3241 **CHAPTER 4. COMMUNITY DEVELOPMENT**

3242 **Part 1. Community Development Project Area Plan**

3243 **17C-4-101. Resolution authorizing the preparation of a community development**
 3244 **draft project area plan -- Request to adopt resolution.**

3245 (1) An agency board may begin the process of adopting a community development
 3246 project area plan by adopting a resolution that authorizes the preparation of a draft community
 3247 development project area plan.

3248 (2) (a) Any person or any group, association, corporation, or other entity may submit a
 3249 written request to the board to adopt a resolution under Subsection (1).

3250 (b) A request under Subsection (2)(a) may include plans showing the community
 3251 development proposed for an area within the agency's boundaries.

3252 (c) The board may, in its sole discretion, grant or deny a request under Subsection
 3253 (2)(a).

3254 Section ~~H~~→ [103] 104 ←~~H~~ . Section **17C-4-102** is enacted to read:

3255 **17C-4-102. Process for adopting a community development project area plan --**
 3256 **Prerequisites -- Restrictions.**

3257 (1) In order to adopt a community development project area plan, after adopting a
 3258 resolution under Subsection 17C-4-101(1) the agency shall:

3259 (a) prepare a draft of a community development project area plan and conduct any
 3260 examination, investigation, and negotiation regarding the project area plan that the agency
 3261 considers appropriate;

3262 (b) make the draft project area plan available to the public at the agency's offices
 3263 during normal business hours;

3264 (c) provide notice of the plan hearing as provided in Section 17C-4-402;

3265 (d) hold a public hearing on the draft project area plan and, at that public hearing:

3266 (i) allow public comment on:

3267 (A) the draft project area plan; and

3268 (B) whether the draft project area plan should be revised, approved, or rejected; and

3269 (ii) receive all written and hear all oral objections to the draft project area plan;

3270 (e) after holding the plan hearing, at the same meeting or at one or more subsequent
 3271 meetings consider:

3272 (i) the oral and written objections to the draft project area plan and evidence and
 3273 testimony for or against adoption of the draft project area plan; and

3274 (ii) whether to revise, approve, or reject the draft project area plan;

3275 (f) approve the draft project area plan, with or without revisions, as the project area
 3276 plan by a resolution that complies with Section 17C-4-104; and

3277 (g) submit the project area plan to the community legislative body for adoption.

3278 (2) An agency may not propose a community development project area plan under
 3279 Subsection (1) unless the community in which the proposed project area is located:

3280 (a) has a planning commission; and

3281 (b) has adopted a general plan under:

3282 (i) if the community is a city or town, Title 10, Chapter 9a, Part 4, General Plan; or

3283 (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.

3284 (3) (a) Except as provided in Subsection (3)(b), a draft project area plan may not be

3285 modified to add real property to the proposed project area unless the board holds a plan hearing

3286 to consider the addition and gives notice of the plan hearing as required under Section

3287 17C-4-402.

3288 (b) The notice and hearing requirements under Subsection (3)(a) do not apply to a draft

3289 project area plan being modified to add real property to the proposed project area if:

3290 (i) the property is contiguous to the property already included in the proposed project

3291 area under the draft project area plan; and

3292 (ii) the record owner of the property consents to adding the real property to the

3293 proposed project area.

3294 Section ~~H~~→ [104] 105 ←~~H~~ . Section 17C-4-103 is enacted to read:

3295 **17C-4-103. Community development project area plan requirements.**

3296 Each community development project area plan and draft project area plan shall:

3297 (1) describe the boundaries of the project area ~~H~~→ , **subject to Section 17C-1-414, if**

3297a **applicable** ←~~H~~ ;

3298 (2) contain a general statement of the land uses, layout of principal streets, population

3299 densities, and building intensities of the project area and how they will be affected by the

3300 community development;

3301 (3) state the standards that will guide the community development;

3302 (4) show how the purposes of this title will be attained by the community development;

3303 (5) be consistent with the general plan of the community in which the project area is

3304 located and show that the community development will conform to the community's general

3305 plan;

3306 (6) describe any specific project or projects that are the object of the proposed

3307 community development;

3308 (7) identify how private developers, if any, will be selected to undertake the

3309 community development and identify each private developer currently involved in the

3310 community development process;

3311 (8) state the reasons for the selection of the project area;

3312 (9) describe the physical, social, and economic conditions existing in the project area;

3313 (10) describe any tax incentives offered private entities for facilities located in the

3314 project area;

3315 (11) include an analysis or description of the anticipated public benefit to be derived

3316 from the community development, including:

3317 (a) the beneficial influences upon the tax base of the community; and

3318 (b) the associated business and economic activity likely to be stimulated; and

3319 (12) include other information that the agency determines to be necessary or advisable.

3320 Section ~~H~~→ [105] **106** ←~~H~~ . Section **17C-4-104** is enacted to read:

3321 **17C-4-104. Board resolution approving a community development project area**

3322 **plan -- Requirements.**

3323 Each board resolution approving a draft community development project area plan as

3324 the project area plan under Subsection 17C-4-102(1)(f) shall contain:

3325 (1) a legal description of the boundaries of the project area that is the subject of the

3326 project area plan;

3327 (2) the agency's purposes and intent with respect to the project area;

3328 (3) the project area plan incorporated by reference; and

3329 (4) the board findings and determinations that adoption of the community development

3330 project area plan will:

3331 (a) satisfy a public purpose;

3332 (b) provide a public benefit as shown by the analysis described in Subsection

3333 17C-4-103(11);

3334 (c) be economically sound and feasible;

3335 (d) conform to the community's general plan; and

3336 (e) promote the public peace, health, safety, and welfare of the community in which the

3337 project area is located.

3338 Section ~~H~~→ [106] **107** ←~~H~~ . Section **17C-4-105** is enacted to read:

3339 **17C-4-105. Community development plan to be adopted by community legislative**

3340 **body.**

3341 (1) A community development project area plan approved by board resolution under

3342 Section 17C-4-104 may not take effect until it has been adopted by ordinance of the legislative

3343 body of the community that created the agency and notice under Section 17C-4-106 is
3344 provided.

3345 (2) Each ordinance under Subsection (1) shall:

3346 (a) be adopted by the community legislative body after the board's approval of a
3347 resolution under Section 17C-4-104; and

3348 (b) designate the approved project area plan as the official community development
3349 plan of the project area.

3350 Section ~~H~~→ [107] 108 ←~~H~~ . Section **17C-4-106** is enacted to read:

3351 **17C-4-106. Notice of community development project area plan adoption --**
3352 **Effective date of plan -- Contesting the formation of the plan.**

3353 (1) (a) Upon the community legislative body's adoption of a community development
3354 project area plan, the legislative body shall provide notice as provided in Subsection (1)(b) by:

3355 (i) publishing or causing to be published a notice in a newspaper of general circulation
3356 within the agency's boundaries; or

3357 (ii) if there is no newspaper of general circulation within the agency's boundaries,
3358 causing a notice to be posted in at least three public places within the agency's boundaries.

3359 (b) Each notice under Subsection (1)(a) shall:

3360 (i) set forth the community legislative body's ordinance adopting the community
3361 development project area plan or a summary of the ordinance; and

3362 (ii) include a statement that the project area plan is available for general public
3363 inspection and the hours for inspection.

3364 (2) The community development project area plan shall become effective on the date
3365 of:

3366 (a) if notice was published under Subsection (1)(a), publication of the notice; or

3367 (b) if notice was posted under Subsection (1)(a), posting of the notice.

3368 (3) (a) For a period of 30 days after the effective date of the community development
3369 project area plan under Subsection (2), any person in interest may contest the project area plan

3370 or the procedure used to adopt the project area plan if the plan or procedure fails to comply
3371 with applicable statutory requirements.

3372 (b) After the 30-day period under Subsection (3)(a) expires, no person may contest the
3373 community development project area plan or procedure used to adopt the project area plan for

3374 any cause.

3375 (4) Upon adoption of the community development project area plan by the
 3376 community's legislative body, the agency may carry out the project area plan.

3377 (5) Each agency shall make the adopted project area plan available to the general
 3378 public at its offices during normal business hours.

3379 Section ~~H~~→ [108] 109 ←~~H~~ . Section 17C-4-107 is enacted to read:

3380 **17C-4-107. Agency required to transmit and record documents after adoption of**
 3381 **community development project area plan.**

3382 Within 30 days after the community legislative body adopts, under Section 17C-4-105,
 3383 a community development project area plan, the agency shall:

3384 (1) record with the recorder of the county in which the project area is located a
 3385 document containing:

3386 (a) a description of the land within the project area;

3387 (b) a statement that the project area plan for the project area has been adopted; and

3388 (c) the date of adoption;

3389 (2) transmit a copy of the description of the land within the project area and an accurate
 3390 map or plat indicating the boundaries of the project area to the Automated Geographic
 3391 Reference Center created under Section 63F-1-506; and

3392 (3) for a project area plan that provides for the payment of tax increment to the agency,
 3393 transmit a copy of the description of the land within the project area, a copy of the community
 3394 legislative body ordinance adopting the project area plan, and a map or plat indicating the
 3395 boundaries of the project area to:

3396 (a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any
 3397 part of the project area is located;

3398 (b) the officer or officers performing the function of auditor or assessor for each taxing
 3399 entity that does not use the county assessment roll or collect its taxes through the county;

3400 (c) the legislative body or governing board of each taxing entity;

3401 (d) the State Tax Commission; and

3402 (e) the State Board of Education.

3403 Section ~~H~~→ [109] 110 ←~~H~~ . Section 17C-4-108 is enacted to read:

3404 **17C-4-108. Amending a community development project area plan.**

3405 (1) Except as provided in Subsection (2), the requirements under this part that apply to
 3406 adopting a community development project area plan apply equally to a proposed amendment
 3407 of a community development project area plan as though the amendment were a proposed
 3408 project area plan.

3409 (2) (a) Notwithstanding Subsection (1), an adopted project area plan may be amended
 3410 without complying with the notice and public hearing requirements of this part if the proposed
 3411 amendment:

3412 (i) makes a minor adjustment in the legal description of a project area boundary
 3413 requested by a county assessor or county auditor to avoid inconsistent property boundary lines;
 3414 or

3415 (ii) subject to Subsection (2)(b), removes a parcel of real property from a project area
 3416 because the agency determines that inclusion of the parcel is no longer necessary or desirable to
 3417 the project area.

3418 (b) An amendment removing a parcel of real property from a community development
 3419 project area under Subsection (2)(a)(ii) may not be made without the consent of the record
 3420 property owner of the parcel being removed.

3421 (3) (a) An amendment approved by board resolution under this section may not take
 3422 effect until adopted by ordinance of the legislative body of the community in which the project
 3423 area that is the subject of the project area plan being amended is located.

3424 (b) Upon a community legislative body passing an ordinance adopting an amendment
 3425 to a community development project area plan, the agency whose project area plan was
 3426 amended shall comply with the requirements of Sections 17C-4-106 and 17C-4-107 to the
 3427 same extent as if the amendment were a project area plan.

3428 Section ~~H~~→ [H10] 111 ←~~H~~ . Section **17C-4-201** is enacted to read:

3429 **Part 2. Funds for Community Development Project from Other Entities**
 3430 **17C-4-201. Consent of a taxing entity or public agency to an agency receiving tax**
 3431 **increment or sales tax funds for community development project.**

3432 (1) An agency may negotiate with a taxing entity and public agency for the taxing
 3433 entity's or public agency's consent to the agency receiving the entity's or public agency's tax
 3434 increment or sales tax revenues, or both, for the purpose of providing funds to carry out a
 3435 proposed or adopted community development project area plan.

3436 (2) The consent of a taxing entity or public agency under Subsection (1) may be
 3437 expressed in:

3438 (a) a resolution adopted by the taxing entity or public agency; or

3439 (b) an interlocal agreement, under Title 11, Chapter 13, Interlocal Cooperation Act,
 3440 between the taxing entity or public agency and the agency.

3441 (3) A school district may consent to an agency receiving tax increment from the school
 3442 district's basic levy only to the extent that the school district also consents to the agency
 3443 receiving tax increment from the school district's local levy.

3444 (4) (a) A resolution or interlocal agreement under this section may be amended from
 3445 time to time.

3446 (b) Each amendment of a resolution or interlocal agreement shall be subject to and
 3447 receive the benefits of the provisions of this part to the same extent as if the amendment were
 3448 an original resolution or interlocal agreement.

3449 (5) A taxing entity's or public agency's consent to an agency receiving funds under this
 3450 section is not subject to the requirements of Section 10-8-2.

3451 Section ~~H~~→ [HH] **112** ←~~H~~ . Section **17C-4-202** is enacted to read:

3452 **17C-4-202. Resolution or interlocal agreement to provide funds for the**
 3453 **community development project area plan -- Notice -- Effective date of resolution or**
 3454 **interlocal agreement -- Time to contest resolution or interlocal agreement -- Availability**
 3455 **of resolution or interlocal agreement.**

3456 (1) The approval and adoption of each resolution or interlocal agreement under
 3457 Subsection 17C-4-201(2) shall be in an open and public meeting.

3458 (2) (a) Upon the adoption of a resolution or interlocal agreement under Section
 3459 17C-4-201, the agency shall provide notice as provided in Subsection (2)(b) by:

3460 (i) publishing or causing to be published a notice in a newspaper of general circulation
 3461 within the agency's boundaries; or

3462 (ii) if there is no newspaper of general circulation within the agency's boundaries,
 3463 causing a notice to be posted in at least three public places within the agency's boundaries.

3464 (b) Each notice under Subsection (2)(a) shall:

3465 (i) set forth a summary of the resolution or interlocal agreement; and

3466 (ii) include a statement that the resolution or interlocal agreement is available for

3467 general public inspection and the hours of inspection.

3468 (3) The resolution or interlocal agreement shall become effective on the date of:

3469 (a) if notice was published under Subsection (2)(a), publication of the notice; or

3470 (b) if notice was posted under Subsection (2)(a), posting of the notice.

3471 (4) (a) For a period of 30 days after the effective date of the resolution or interlocal

3472 agreement under Subsection (3), any person in interest may contest the resolution or interlocal

3473 agreement or the procedure used to adopt the resolution or interlocal agreement if the

3474 resolution or interlocal agreement or procedure fails to comply with applicable statutory

3475 requirements.

3476 (b) After the 30-day period under Subsection (4)(a) expires, no person may contest the

3477 interlocal agreement for any cause.

3478 (5) Each agency that is to receive funds under a resolution or interlocal agreement

3479 under Section 17C-4-201 and each taxing entity or public agency that approves a resolution or

3480 enters into an interlocal agreement under Section 17C-4-201 shall make the resolution or

3481 interlocal agreement, as the case may be, available at its offices to the general public for

3482 inspection and copying during normal business hours.

3483 Section ~~H~~→ [H2] **113** ←~~H~~ . Section **17C-4-203** is enacted to read:

3484 **17C-4-203. Requirement to file a copy of the resolution or interlocal agreement --**

3485 **County payment of tax increment to the agency.**

3486 (1) Each agency that is to receive funds under a resolution or interlocal agreement

3487 under Section 17C-4-201 shall, within 30 days after the effective date of the resolution or

3488 interlocal agreement, file a copy of it with:

3489 (a) the State Tax Commission, the State Board of Education, and the state auditor; and

3490 (b) the auditor of the county in which the project area is located, if the resolution or

3491 interlocal agreement provides for the agency to receive tax increment from the taxing entity or

3492 public agency that adopted the resolution or entered into the interlocal agreement.

3493 (2) Each county that collects property tax on property within a community

3494 development project area shall, in the manner and at the time provided in Section 59-2-1365,

3495 pay and distribute to the agency the tax increment that the agency is entitled to receive under a

3496 resolution approved or an interlocal agreement adopted under Section 17C-4-201.

3497 Section ~~H~~→ [H3] **114** ←~~H~~ . Section **17C-4-204** is enacted to read:

3498 **17C-4-204. Adoption of a budget for a community development project area plan**
 3499 **-- Amendment.**

3500 (1) An agency may prepare and, by resolution adopted at a regular or special meeting
 3501 of the agency board, adopt a budget setting forth:

3502 (a) the anticipated costs, including administrative costs, of implementing the
 3503 community development project area plan; and

3504 (b) the tax increment, sales tax, and other revenue the agency anticipates receiving to
 3505 fund the project.

3506 (2) An agency may, by resolution adopted at a regular or special meeting of the agency
 3507 board, amend a budget adopted under Subsection (1).

3508 (3) Each resolution to adopt or amend a budget under this section shall appear as an
 3509 item on the agenda for the regular or special agency board meeting at which the resolution is
 3510 adopted. No other notice is required.

3511 Section ~~H~~→ [H14] **115** ←~~H~~ . Section **17C-4-301** is enacted to read:

Part 3. Community Development Hearings

3513 **17C-4-301. Continuing a plan hearing.**

3514 Subject to Section 17C-4-302, a board may continue a plan hearing from time to time.

3515 Section ~~H~~→ [H15] **116** ←~~H~~ . Section **17C-4-302** is enacted to read:

3516 **17C-4-302. Notice required for continued hearing.**

3517 The board shall give notice of a hearing continued under Section 17C-4-301 by
 3518 announcing at the hearing:

3519 (1) the date, time, and place the hearing will be resumed; or

3520 (2) that it is being continued to a later time and causing a notice of the continued
 3521 hearing to be:

3522 (a) published once in a newspaper of general circulation within the agency boundaries
 3523 at least seven days before the hearing is scheduled to resume; or

3524 (b) if there is no newspaper of general circulation, posted in at least three conspicuous
 3525 places within the boundaries of the agency in which the project area or proposed project area is
 3526 located.

3527 Section ~~H~~→ [H16] **117** ←~~H~~ . Section **17C-4-401** is enacted to read:

Part 4. Community Development Notice Requirements

3529 17C-4-401. Agency required to provide notice of plan hearing.

3530 Each agency shall provide notice of each plan hearing as provided in Section

3531 17C-4-402.

3532 Section ~~H~~→ [H17] 118 ←~~H~~ . Section **17C-4-402** is enacted to read:

3533 17C-4-402. Requirements for notice provided by agency.

3534 (1) The notice required by Section 17C-4-401 shall be given by:

3535 (a) (i) publishing one notice, excluding the map referred to in Subsection (2)(b), in a

3536 newspaper of general circulation within the county in which the project area or proposed

3537 project area is located, at least 14 days before the hearing; or

3538 (ii) if there is no newspaper of general circulation, posting notice, at least 14 days

3539 before the hearing, in at least three conspicuous places within the county in which the project

3540 area or proposed project area is located; and

3541 (b) at least 30 days before the hearing, mailing notice to:

3542 (i) each record owner of property located within the project area or proposed project

3543 area;

3544 (ii) the State Tax Commission;

3545 (iii) the assessor and auditor of the county in which the project area or proposed project

3546 area is located; and

3547 (iv) the State Board of Education and the legislative body or governing board of each

3548 taxing entity.

3549 (2) The mailing of the notice to record property owners required under Subsection

3550 (1)(b)(i) shall be conclusively considered to have been properly completed if:

3551 (a) the agency mails the notice to the property owners as shown in the records,

3552 including an electronic database, of the county recorder's office and at the addresses shown in

3553 those records; and

3554 (b) the county recorder's office records used by the agency in identifying owners to

3555 whom the notice is mailed and their addresses were obtained or accessed from the county

3556 recorder's office no earlier than 30 days before the mailing.

3557 (3) The agency shall include in each notice required under Section 17C-4-401:

3558 (a) (i) a specific description of the boundaries of the project area or proposed project

3559 area; or

3560 (ii) (A) a mailing address or telephone number where a person may request that a copy
 3561 of the description be sent at no cost to the person by mail or facsimile transmission; and

3562 (B) if the agency has an Internet website, an Internet address where a person may gain
 3563 access to an electronic, printable copy of the description;

3564 (b) a map of the boundaries of the project area or proposed project area;

3565 (c) an explanation of the purpose of the hearing;

3566 (d) a statement of the date, time, and location of the hearing;

3567 (e) an invitation to the recipient of the notice to submit to the agency comments

3568 concerning the subject matter of the hearing before the date of the hearing;

3569 (f) a statement that any person objecting to the draft project area plan or contesting the

3570 regularity of any of the proceedings to adopt it may appear before the agency board at the

3571 hearing to show cause why the draft project area plan should not be adopted; and

3572 (g) a statement that the proposed project area plan is available for inspection at the
 3573 agency offices.

3574 (4) An agency may include in a notice under Subsection (1) any other information the
 3575 agency considers necessary or advisable, including the public purpose served by the project and
 3576 any future tax benefits expected to result from the project.

3577 Section ~~H~~→ [H18] 119 ←~~H~~ . Section 59-2-906.1 is amended to read:

3578 **59-2-906.1. Property Tax Valuation Agency Fund -- Creation -- Statewide levy --**
 3579 **Additional county levy permitted.**

3580 (1) (a) There is created the Property Tax Valuation Agency Fund, to be funded by a
 3581 multicounty assessing and collecting levy not to exceed .0002 as provided in Subsection (2).

3582 (b) The multicounty assessing and collecting levy under Subsection (1)(a) shall be
 3583 imposed annually by each county in the state.

3584 (c) The purpose of the multicounty assessing and collecting levy created under
 3585 Subsection (1)(a) and the disbursement formulas established in Section 59-2-906.2 is to
 3586 promote the:

3587 (i) accurate valuation of property;

3588 (ii) establishment and maintenance of uniform assessment levels within and among
 3589 counties; and

3590 (iii) efficient administration of the property tax system, including the costs of

3591 assessment, collection, and distribution of property taxes.

3592 (d) Income derived from the investment of money in the fund created in this

3593 Subsection (1) shall be deposited in and become part of the fund.

3594 (2) (a) Subject to Subsection (2)(b), in order to fund the Property Tax Valuation
3595 Agency Fund, the Legislature shall authorize the amount of the multicounty assessing and
3596 collecting levy.

3597 (b) The multicounty assessing and collecting levy may not exceed the certified revenue
3598 levy as defined in Section 59-2-102, unless:

3599 (i) the Legislature authorizes a multicounty assessing and collecting levy that exceeds
3600 the certified revenue levy; and

3601 (ii) the state complies with the notice requirements of Section 59-2-926.

3602 (3) (a) The multicounty assessing and collecting levy authorized by the Legislature
3603 under Subsection (2) shall be separately stated on the tax notice as a multicounty assessing and
3604 collecting levy.

3605 (b) The multicounty assessing and collecting levy authorized by the Legislature under
3606 Subsection (2) is:

3607 (i) exempt from the [~~redevelopment~~] provisions of Sections [~~17B-4-1003 and~~
3608 ~~17B-4-1004~~] 17C-1-403 and 17C-1-404;

3609 (ii) in addition to and exempt from the maximum levies allowable under Section
3610 59-2-908; and

3611 (iii) exempt from the notice requirements of Sections 59-2-918 and 59-2-919.

3612 (c) (i) Each county shall transmit quarterly to the state treasurer the portion of the .0002
3613 multicounty assessing and collecting levy which is above the amount to which that county is
3614 entitled to under Section 59-2-906.2.

3615 (ii) The revenue transmitted under Subsection (3)(c)(i) shall be transmitted no later
3616 than the tenth day of the month following the end of the quarter in which the revenue is
3617 collected.

3618 (iii) If revenue transmitted under Subsection (3)(c)(i) is transmitted after the tenth day
3619 of the month following the end of the quarter in which the revenue is collected, the county shall
3620 pay an interest penalty at the rate of 10% each year until the revenue is transmitted.

3621 (d) The state treasurer shall deposit in the Property Tax Valuation Agency Fund the:

3622 (i) revenue from the multicounty assessing and collecting levy;

3623 (ii) interest accrued from that levy; and

3624 (iii) penalties received under Subsection (3)(c)(iii).

3625 (4) (a) A county may not receive funds from the Property Tax Valuation Agency Fund
3626 unless the county levies an additional property tax of at least .0003 per dollar of taxable value
3627 of taxable property as reported by each county.

3628 (b) The levy described in Subsection (4)(a) shall be stated on the tax notice as a county
3629 assessing and collecting levy.

3630 (c) The purpose of the levy established in this Subsection (4) is to promote the:

3631 (i) accurate valuation of property;

3632 (ii) establishment and maintenance of uniform assessment levels within and among
3633 counties; and

3634 (iii) efficient administration of the property tax system, including the costs of
3635 assessment, collection, and distribution of property taxes.

3636 (d) A levy established in Subsection (4)(a) is:

3637 (i) exempt from the [~~redevelopment~~] provisions of Sections [~~17B-4-1003 and~~
3638 ~~17B-4-1004~~] 17C-1-403 and 17C-1-404;

3639 (ii) in addition to and exempt from the maximum levies allowable under Section
3640 59-2-908;

3641 (iii) for the calendar year beginning on January 1, 2005, and ending on December 31,
3642 2005, exempt from the notice and hearing requirements of Sections 59-2-918 and 59-2-919;
3643 and

3644 (iv) beginning on January 1, 2006, subject to the notice and hearing requirements of
3645 Sections 59-2-918 and 59-2-919.

3646 Section ~~H~~→ [H19] 120 ←~~H~~ . Section 59-2-924 is amended to read:

3647 **59-2-924. Report of valuation of property to county auditor and commission --**
3648 **Transmittal by auditor to governing bodies -- Certified tax rate -- Rulemaking authority**
3649 **-- Adoption of tentative budget.**

3650 (1) (a) Before June 1 of each year, the county assessor of each county shall deliver to
3651 the county auditor and the commission the following statements:

3652 (i) a statement containing the aggregate valuation of all taxable property in each taxing

3653 entity; and

3654 (ii) a statement containing the taxable value of any additional personal property
3655 estimated by the county assessor to be subject to taxation in the current year.

3656 (b) The county auditor shall, on or before June 8, transmit to the governing body of
3657 each taxing entity:

3658 (i) the statements described in Subsections (1)(a)(i) and (ii);

3659 (ii) an estimate of the revenue from personal property;

3660 (iii) the certified tax rate; and

3661 (iv) all forms necessary to submit a tax levy request.

3662 (2) (a) (i) The "certified tax rate" means a tax rate that will provide the same ad
3663 valorem property tax revenues for a taxing entity as were budgeted by that taxing entity for the
3664 prior year.

3665 (ii) For purposes of this Subsection (2), "ad valorem property tax revenues" do not
3666 include:

3667 (A) collections from redemptions;

3668 (B) interest; and

3669 (C) penalties.

3670 (iii) Except as provided in Subsection (2)(a)(v), the certified tax rate shall be calculated
3671 by dividing the ad valorem property tax revenues budgeted for the prior year by the taxing
3672 entity by the taxable value established in accordance with Section 59-2-913.

3673 (iv) (A) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking
3674 Act, the commission shall make rules determining the calculation of ad valorem property tax
3675 revenues budgeted by a taxing entity.

3676 (B) For purposes of Subsection (2)(a)(iv)(A), ad valorem property tax revenues
3677 budgeted by a taxing entity shall be calculated in the same manner as budgeted property tax
3678 revenues are calculated for purposes of Section 59-2-913.

3679 (v) The certified tax rates for the taxing entities described in this Subsection (2)(a)(v)
3680 shall be calculated as follows:

3681 (A) except as provided in Subsection (2)(a)(v)(B), for new taxing entities the certified
3682 tax rate is zero;

3683 (B) for each municipality incorporated on or after July 1, 1996, the certified tax rate is:

3684 (I) in a county of the first, second, or third class, the levy imposed for municipal-type
3685 services under Sections 17-34-1 and 17-36-9; and

3686 (II) in a county of the fourth, fifth, or sixth class, the levy imposed for general county
3687 purposes and such other levies imposed solely for the municipal-type services identified in
3688 Section 17-34-1 and Subsection 17-36-3(22);

3689 (C) for debt service voted on by the public, the certified tax rate shall be the actual levy
3690 imposed by that section, except that the certified tax rates for the following levies shall be
3691 calculated in accordance with Section 59-2-913 and this section:

3692 (I) school leeways provided for under Sections 11-2-7, 53A-16-110, 53A-17a-125,
3693 53A-17a-127, 53A-17a-134, 53A-17a-143, 53A-17a-145, and 53A-21-103; and

3694 (II) levies to pay for the costs of state legislative mandates or judicial or administrative
3695 orders under Section 59-2-906.3.

3696 (vi) (A) A judgment levy imposed under Section 59-2-1328 or Section 59-2-1330 shall
3697 be established at that rate which is sufficient to generate only the revenue required to satisfy
3698 one or more eligible judgments, as defined in Section 59-2-102.

3699 (B) The ad valorem property tax revenue generated by the judgment levy shall not be
3700 considered in establishing the taxing entity's aggregate certified tax rate.

3701 (b) (i) For the purpose of calculating the certified tax rate, the county auditor shall use
3702 the taxable value of property on the assessment roll.

3703 (ii) For purposes of Subsection (2)(b)(i), the taxable value of property on the
3704 assessment roll does not include new growth as defined in Subsection (2)(b)(iii).

3705 (iii) "New growth" means:

3706 (A) the difference between the increase in taxable value of the taxing entity from the
3707 previous calendar year to the current year; minus

3708 (B) the amount of an increase in taxable value described in Subsection (2)(b)(iv).

3709 (iv) Subsection (2)(b)(iii)(B) applies to the following increases in taxable value:

3710 (A) the amount of increase to locally assessed real property taxable values resulting
3711 from factoring, reappraisal, or any other adjustments; or

3712 (B) the amount of an increase in the taxable value of property assessed by the
3713 commission under Section 59-2-201 resulting from a change in the method of apportioning the
3714 taxable value prescribed by:

3715 (I) the Legislature;

3716 (II) a court;

3717 (III) the commission in an administrative rule; or

3718 (IV) the commission in an administrative order.

3719 (c) Beginning January 1, 1997, if a taxing entity receives increased revenues from

3720 uniform fees on tangible personal property under Section 59-2-404, 59-2-405, 59-2-405.1,

3721 59-2-405.2, or 59-2-405.3 as a result of any county imposing a sales and use tax under Chapter

3722 12, Part 11, County Option Sales and Use Tax, the taxing entity shall decrease its certified tax

3723 rate to offset the increased revenues.

3724 (d) (i) Beginning July 1, 1997, if a county has imposed a sales and use tax under

3725 Chapter 12, Part 11, County Option Sales and Use Tax, the county's certified tax rate shall be:

3726 (A) decreased on a one-time basis by the amount of the estimated sales and use tax

3727 revenue to be distributed to the county under Subsection 59-12-1102(3); and

3728 (B) increased by the amount necessary to offset the county's reduction in revenue from

3729 uniform fees on tangible personal property under Section 59-2-404, 59-2-405, 59-2-405.1,

3730 59-2-405.2, or 59-2-405.3 as a result of the decrease in the certified tax rate under Subsection

3731 (2)(d)(i)(A).

3732 (ii) The commission shall determine estimates of sales and use tax distributions for

3733 purposes of Subsection (2)(d)(i).

3734 (e) Beginning January 1, 1998, if a municipality has imposed an additional resort

3735 communities sales tax under Section 59-12-402, the municipality's certified tax rate shall be

3736 decreased on a one-time basis by the amount necessary to offset the first 12 months of

3737 estimated revenue from the additional resort communities sales and use tax imposed under

3738 Section 59-12-402.

3739 (f) For the calendar year beginning on January 1, 1999, and ending on December 31,

3740 1999, a taxing entity's certified tax rate shall be adjusted by the amount necessary to offset the

3741 adjustment in revenues from uniform fees on tangible personal property under Section

3742 59-2-405.1 as a result of the adjustment in uniform fees on tangible personal property under

3743 Section 59-2-405.1 enacted by the Legislature during the 1998 Annual General Session .

3744 (g) For purposes of Subsections (2)(h) through (j):

3745 (i) "1998 actual collections" means the amount of revenues a taxing entity actually

3746 collected for the calendar year beginning on January 1, 1998, under Section 59-2-405 for:

3747 (A) motor vehicles required to be registered with the state that weigh 12,000 pounds or
3748 less; and

3749 (B) state-assessed commercial vehicles required to be registered with the state that
3750 weigh 12,000 pounds or less.

3751 (ii) "1999 actual collections" means the amount of revenues a taxing entity actually
3752 collected for the calendar year beginning on January 1, 1999, under Section 59-2-405.1.

3753 (h) For the calendar year beginning on January 1, 2000, the commission shall make the
3754 following adjustments:

3755 (i) the commission shall make the adjustment described in Subsection (2)(i)(i) if, for
3756 the calendar year beginning on January 1, 1999, a taxing entity's 1998 actual collections were
3757 greater than the sum of:

3758 (A) the taxing entity's 1999 actual collections; and

3759 (B) any adjustments the commission made under Subsection (2)(f);

3760 (ii) the commission shall make the adjustment described in Subsection (2)(i)(ii) if, for
3761 the calendar year beginning on January 1, 1999, a taxing entity's 1998 actual collections were
3762 greater than the taxing entity's 1999 actual collections, but the taxing entity's 1998 actual
3763 collections were less than the sum of:

3764 (A) the taxing entity's 1999 actual collections; and

3765 (B) any adjustments the commission made under Subsection (2)(f); and

3766 (iii) the commission shall make the adjustment described in Subsection (2)(i)(iii) if, for
3767 the calendar year beginning on January 1, 1999, a taxing entity's 1998 actual collections were
3768 less than the taxing entity's 1999 actual collections.

3769 (i) (i) For purposes of Subsection (2)(h)(i), the commission shall increase a taxing
3770 entity's certified tax rate under this section and a taxing entity's certified revenue levy under
3771 Section 59-2-906.1 by the amount necessary to offset the difference between:

3772 (A) the taxing entity's 1998 actual collections; and

3773 (B) the sum of:

3774 (I) the taxing entity's 1999 actual collections; and

3775 (II) any adjustments the commission made under Subsection (2)(f).

3776 (ii) For purposes of Subsection (2)(h)(ii), the commission shall decrease a taxing

3777 entity's certified tax rate under this section and a taxing entity's certified revenue levy under
3778 Section 59-2-906.1 by the amount necessary to offset the difference between:

3779 (A) the sum of:

3780 (I) the taxing entity's 1999 actual collections; and

3781 (II) any adjustments the commission made under Subsection (2)(f); and

3782 (B) the taxing entity's 1998 actual collections.

3783 (iii) For purposes of Subsection (2)(h)(iii), the commission shall decrease a taxing
3784 entity's certified tax rate under this section and a taxing entity's certified revenue levy under
3785 Section 59-2-906.1 by the amount of any adjustments the commission made under Subsection
3786 (2)(f).

3787 (j) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, for
3788 purposes of Subsections (2)(f) through (i), the commission may make rules establishing the
3789 method for determining a taxing entity's 1998 actual collections and 1999 actual collections.

3790 (k) (i) (A) For fiscal year 2000, the certified tax rate of each county required under
3791 Subsection 17-34-1(4)(a) to provide advanced life support and paramedic services to the
3792 unincorporated area of the county shall be decreased by the amount necessary to reduce
3793 revenues in that fiscal year by an amount equal to the difference between the amount the county
3794 budgeted in its 2000 fiscal year budget for advanced life support and paramedic services
3795 countywide and the amount the county spent during fiscal year 2000 for those services,
3796 excluding amounts spent from a municipal services fund for those services.

3797 (B) For fiscal year 2001, the certified tax rate of each county to which Subsection
3798 (2)(k)(i)(A) applies shall be decreased by the amount necessary to reduce revenues in that fiscal
3799 year by the amount that the county spent during fiscal year 2000 for advanced life support and
3800 paramedic services countywide, excluding amounts spent from a municipal services fund for
3801 those services.

3802 (ii) (A) A city or town located within a county of the first class to which Subsection
3803 (2)(k)(i) applies may increase its certified tax rate by the amount necessary to generate within
3804 the city or town the same amount of revenues as the county would collect from that city or
3805 town if the decrease under Subsection (2)(k)(i) did not occur.

3806 (B) An increase under Subsection (2)(k)(ii)(A), whether occurring in a single fiscal
3807 year or spread over multiple fiscal years, is not subject to the notice and hearing requirements

3808 of Sections 59-2-918 and 59-2-919.

3809 (l) (i) The certified tax rate of each county required under Subsection 17-34-1(4)(b) to
3810 provide detective investigative services to the unincorporated area of the county shall be
3811 decreased:

3812 (A) in fiscal year 2001 by the amount necessary to reduce revenues in that fiscal year
3813 by at least \$4,400,000; and

3814 (B) in fiscal year 2002 by the amount necessary to reduce revenues in that fiscal year
3815 by an amount equal to the difference between \$9,258,412 and the amount of the reduction in
3816 revenues under Subsection (2)(l)(i)(A).

3817 (ii) (A) (I) Beginning with municipal fiscal year 2002, a city or town located within a
3818 county to which Subsection (2)(l)(i) applies may increase its certified tax rate to generate
3819 within the city or town the same amount of revenue as the county would have collected during
3820 county fiscal year 2001 from within the city or town except for Subsection (2)(l)(i)(A).

3821 (II) Beginning with municipal fiscal year 2003, a city or town located within a county
3822 to which Subsection (2)(l)(i) applies may increase its certified tax rate to generate within the
3823 city or town the same amount of revenue as the county would have collected during county
3824 fiscal year 2002 from within the city or town except for Subsection (2)(l)(i)(B).

3825 (B) (I) Except as provided in Subsection (2)(l)(ii)(B)(II), an increase in the city or
3826 town's certified tax rate under Subsection (2)(l)(ii)(A), whether occurring in a single fiscal year
3827 or spread over multiple fiscal years, is subject to the notice and hearing requirements of
3828 Sections 59-2-918 and 59-2-919.

3829 (II) For an increase under this Subsection (2)(l)(ii) that generates revenue that does not
3830 exceed the same amount of revenue as the county would have collected except for Subsection
3831 (2)(l)(i), the requirements of Sections 59-2-918 and 59-2-919 do not apply if the city or town:

3832 (Aa) publishes a notice that meets the size, type, placement, and frequency
3833 requirements of Section 59-2-919, reflects that the increase is a shift of a tax from one imposed
3834 by the county to one imposed by the city or town, and explains how the revenues from the tax
3835 increase will be used; and

3836 (Bb) holds a public hearing on the tax shift that may be held in conjunction with the
3837 city or town's regular budget hearing.

3838 (m) (i) This Subsection (2)(m) applies to each county that:

3839 (A) establishes a countywide special service district under Title 17A, Chapter 2, Part
3840 13, Utah Special Service District Act, to provide jail service, as provided in Subsection
3841 17A-2-1304(1)(a)(x); and

3842 (B) levies a property tax on behalf of the special service district under Section
3843 17A-2-1322.

3844 (ii) (A) The certified tax rate of each county to which this Subsection (2)(m) applies
3845 shall be decreased by the amount necessary to reduce county revenues by the same amount of
3846 revenues that will be generated by the property tax imposed on behalf of the special service
3847 district.

3848 (B) Each decrease under Subsection (2)(m)(ii)(A) shall occur contemporaneously with
3849 the levy on behalf of the special service district under Section 17A-2-1322.

3850 (n) (i) As used in this Subsection (2)(n):

3851 (A) "Annexing county" means a county whose unincorporated area is included within a
3852 fire district by annexation.

3853 (B) "Annexing municipality" means a municipality whose area is included within a fire
3854 district by annexation.

3855 (C) "Equalized fire protection tax rate" means the tax rate that results from:

3856 (I) calculating, for each participating county and each participating municipality, the
3857 property tax revenue necessary to cover all of the costs associated with providing fire
3858 protection, paramedic, and emergency services:

3859 (Aa) for a participating county, in the unincorporated area of the county; and

3860 (Bb) for a participating municipality, in the municipality; and

3861 (II) adding all the amounts calculated under Subsection (2)(n)(i)(C)(I) for all
3862 participating counties and all participating municipalities and then dividing that sum by the
3863 aggregate taxable value of the property, as adjusted in accordance with Section 59-2-913:

3864 (Aa) for participating counties, in the unincorporated area of all participating counties;
3865 and

3866 (Bb) for participating municipalities, in all the participating municipalities.

3867 (D) "Fire district" means a county service area under Title 17A, Chapter 2, Part 4,
3868 County Service Area Act, in the creation of which an election was not required under
3869 Subsection 17B-2-214(3)(c).

3870 (E) "Fire protection tax rate" means:

3871 (I) for an annexing county, the property tax rate that, when applied to taxable property
3872 in the unincorporated area of the county, generates enough property tax revenue to cover all the
3873 costs associated with providing fire protection, paramedic, and emergency services in the
3874 unincorporated area of the county; and

3875 (II) for an annexing municipality, the property tax rate that generates enough property
3876 tax revenue in the municipality to cover all the costs associated with providing fire protection,
3877 paramedic, and emergency services in the municipality.

3878 (F) "Participating county" means a county whose unincorporated area is included
3879 within a fire district at the time of the creation of the fire district.

3880 (G) "Participating municipality" means a municipality whose area is included within a
3881 fire district at the time of the creation of the fire district.

3882 (ii) In the first year following creation of a fire district, the certified tax rate of each
3883 participating county and each participating municipality shall be decreased by the amount of
3884 the equalized fire protection tax rate.

3885 (iii) In the first year following annexation to a fire district, the certified tax rate of each
3886 annexing county and each annexing municipality shall be decreased by the fire protection tax
3887 rate.

3888 (iv) Each tax levied under this section by a fire district shall be considered to be levied
3889 by:

3890 (A) each participating county and each annexing county for purposes of the county's
3891 tax limitation under Section 59-2-908; and

3892 (B) each participating municipality and each annexing municipality for purposes of the
3893 municipality's tax limitation under Section 10-5-112, for a town, or Section 10-6-133, for a
3894 city.

3895 (3) (a) On or before June 22, each taxing entity shall annually adopt a tentative budget.

3896 (b) If the taxing entity intends to exceed the certified tax rate, it shall notify the county
3897 auditor of:

3898 (i) its intent to exceed the certified tax rate; and

3899 (ii) the amount by which it proposes to exceed the certified tax rate.

3900 (c) The county auditor shall notify all property owners of any intent to exceed the

3901 certified tax rate in accordance with Subsection 59-2-919(2).

3902 (4) (a) The taxable value for the base year under Subsection [~~17B-4-102(4)~~
 3903 17C-1-102(6)] shall be reduced for any year to the extent necessary to provide a
 3904 [~~redevelopment~~] community development and renewal agency established under [~~Title 17B;~~
 3905 ~~Chapter 4, Redevelopment Agencies Act~~] Title 17C, Limited Purpose Local Government
 3906 Entities - Community Development and Renewal Agencies, with approximately the same
 3907 amount of money the agency would have received without a reduction in the county's certified
 3908 tax rate if:

3909 (i) in that year there is a decrease in the certified tax rate under Subsection (2)(c) or
 3910 (2)(d)(i);

3911 (ii) the amount of the decrease is more than 20% of the county's certified tax rate of the
 3912 previous year; and

3913 (iii) the decrease results in a reduction of the amount to be paid to the agency under
 3914 Section [~~17B-4-1003 or 17B-4-1004~~] 17C-1-403 or 17C-1-404.

3915 (b) The base taxable value under Subsection [~~17B-4-102(4)~~] 17C-1-102(6) shall be
 3916 increased in any year to the extent necessary to provide a [~~redevelopment~~] community
 3917 development and renewal agency with approximately the same amount of money as the agency
 3918 would have received without an increase in the certified tax rate that year if:

3919 (i) in that year the base taxable value under Subsection [~~17B-4-102(4)~~] 17C-1-102(6) is
 3920 reduced due to a decrease in the certified tax rate under Subsection (2)(c) or (2)(d)(i); and

3921 (ii) The certified tax rate of a city, school district, or special district increases
 3922 independent of the adjustment to the taxable value of the base year.

3923 (c) Notwithstanding a decrease in the certified tax rate under Subsection (2)(c) or
 3924 (2)(d)(i), the amount of money allocated and, when collected, paid each year to a
 3925 [~~redevelopment~~] community development and renewal agency established under [~~Title 17B;~~
 3926 ~~Chapter 4, Redevelopment Agencies Act~~] Title 17C, Limited Purpose Local Government
 3927 Entities - Community Development and Renewal Agencies, for the payment of bonds or other
 3928 contract indebtedness, but not for administrative costs, may not be less than that amount would
 3929 have been without a decrease in the certified tax rate under Subsection (2)(c) or (2)(d)(i).

3930 Section ~~H~~→ [120] 121 ←~~H~~ . Section **63F-1-507** is amended to read:

3931 **63F-1-507. State Geographic Information Database.**

- 3932 (1) There is created a State Geographic Information Database to be managed by the
 3933 center.
- 3934 (2) The database shall:
- 3935 (a) serve as the central reference for all information contained in any GIS database by
 3936 any state agency;
- 3937 (b) serve as a clearing house and repository for all data layers required by multiple
 3938 users;
- 3939 (c) serve as a standard format for geographic information acquired, purchased, or
 3940 produced by any state agency; and
- 3941 (d) include an accurate representation of all civil subdivision boundaries of the state.
- 3942 (3) Each state agency that acquires, purchases, or produces digital geographic
 3943 information data shall:
- 3944 (a) inform the center of the existence of the data layers and their geographic extent;
- 3945 (b) allow the center access to all data classified public; and
- 3946 (c) comply with any database requirements established by the center.
- 3947 (4) At least annually, the State Tax Commission shall deliver to the center information
 3948 the State Tax Commission receives under Sections 10-1-116, 11-13-204, 11-13-205, 17-2-4,
 3949 17-2-9, 17-3-3, 17A-1-102, 17B-2-215, and [~~17B-4-201~~] 17C-1-201 relating to the creation or
 3950 modification of the boundaries of the political subdivisions that are the subject of those
 3951 sections.

3952 Section ~~H~~→ [121] 122 ←~~H~~ . Section **67-1a-6.5** is amended to read:

3953 **67-1a-6.5. Lieutenant governor certification of governmental entity creation,**
 3954 **consolidation, division, dissolution, or boundary change.**

3955 (1) As used in this section:

- 3956 (a) "AGRC" means the Automated Geographic Reference Center created under Section
 3957 63F-1-506.
- 3958 (b) "Boundary change" means the adjustment of an entity's boundary either through
 3959 gaining territory (annexation), losing territory (withdrawal), adjusting the common boundary
 3960 with an adjacent entity (may gain territory, lose territory, or a combination of both gaining and
 3961 losing territory), or any other adjustment of the entity's boundary.
- 3962 (c) "Consolidation" means the combining of two or more entities into a single entity

3963 such that the consolidated entity's boundary contains all of the territory of the original entities,
3964 but no additional territory.

3965 (d) "County attorney" means the county attorney of each county which contains any
3966 part of the area affected by the entity creation, consolidation, division, dissolution, or boundary
3967 change.

3968 (e) (i) "County auditor" means the county auditor of each county which contains any
3969 part of the area affected by the entity creation, consolidation, division, dissolution, or boundary
3970 change.

3971 (ii) If the county does not have a county auditor, "county auditor" means the county
3972 clerk or other government official acting as the county auditor.

3973 (f) "County recorder" means the county recorder of each county which contains any
3974 part of the area affected by the entity creation, consolidation, division, dissolution, or boundary
3975 change.

3976 (g) "County surveyor" means the county surveyor of each county which contains any
3977 part of the area affected by the entity creation, consolidation, division, dissolution, or boundary
3978 change.

3979 (h) "Creation" means the forming of a new entity where that entity did not exist before
3980 its creation.

3981 (i) "Dissolution" means the disbandment of an entity.

3982 (j) "Division" means the dividing of one entity into two or more entities such that the
3983 original entity's boundary contains all of the territory of the resultant entities, but no additional
3984 territory.

3985 (k) "Entity" means the entity that is created, consolidated, divided, dissolved, or whose
3986 boundary is changed.

3987 (l) "Initiating body" means the county legislative body, municipal legislative body,
3988 special district board, local district board, court, public official, or other authorized person that
3989 initiates the creation, dissolution, consolidation, or boundary change of an entity or entities.

3990 (m) "Notice of entity boundary change" means the notice the lieutenant governor
3991 receives under Subsection 10-1-116(1), 10-2-419(4), 10-2-425(1), 10-2-507(1), 17-2-9(2),
3992 17-2-13(3), 17-50-104(3), 17-50-105(1)(b) or (2)(e), 17A-2-1327(4), 17B-2-514(2),
3993 17B-2-516(6), 17B-2-610(1), or 53A-2-101.5(1) of an entity's pending boundary change.

3994 (n) "Notice of entity consolidation" means the notice the lieutenant governor receives
3995 under Section 10-2-610 or Subsection 10-1-116(1) or 17-2-4(2) of entities' pending
3996 consolidation.

3997 (o) "Notice of entity creation" means the notice the lieutenant governor receives under
3998 Subsection 10-1-116(1), 10-2-119(1), 10-2-125(6), 11-13-204(4), 11-13-205(6),
3999 17A-2-1311(2), 17B-2-215(1), [~~17B-4-201~~] 17C-1-201(2), or 53A-2-101.5(1) of an entity's
4000 pending creation.

4001 (p) "Notice of entity dissolution" means the notice the lieutenant governor receives
4002 under Subsection 10-1-116(1), 10-2-712(2), 17A-2-1329(3), 17B-2-708(4), or [~~17B-4-1401~~]
4003 17C-1-701(2)(a) of an entity's pending dissolution.

4004 (q) "Notice of entity division" means the notice the lieutenant governor receives under
4005 Subsection 17-3-3(3) of an entity's pending division.

4006 (r) "Notice of intention to file articles of incorporation" means the notice the lieutenant
4007 governor receives under Subsection 10-2-120(1).

4008 (s) "Lieutenant governor" means the lieutenant governor created in Article VII, Section
4009 1 of the Utah Constitution.

4010 (t) "State auditor" means the state auditor created in Article VII, Section 1 of the Utah
4011 Constitution.

4012 (u) "State Tax Commission" means the State Tax Commission created in Article XIII,
4013 Section 6 of the Utah Constitution.

4014 (2) Within ten days after receiving a notice of entity creation, the lieutenant governor
4015 shall:

4016 (a) issue a certificate of entity creation;

4017 (b) (i) send a copy of the certificate issued under Subsection (2)(a) and a copy of the
4018 notice of entity creation, including the accompanying map or legal description, to the State Tax
4019 Commission, AGRC, county recorder, county surveyor, county auditor, and county attorney;
4020 and

4021 (ii) send a copy of the certificate issued under Subsection (2)(a) to the state auditor;
4022 and

4023 (c) send to the initiating body a copy of the certificate issued under Subsection (2)(a)
4024 and a statement indicating completion of Subsection (2)(b).

4025 (3) Within ten days after receiving a notice of intention to file articles of incorporation,
4026 the lieutenant governor shall:

4027 (a) issue a certificate indicating receipt of a notice of intention to file articles of
4028 incorporation;

4029 (b) (i) send a copy of the certificate issued under Subsection (3)(a) and a copy of the
4030 notice of intention to file articles of incorporation, including the accompanying map or legal
4031 description, to the State Tax Commission, AGRC, county recorder, county surveyor, county
4032 auditor, and county attorney; and

4033 (ii) send a copy of the certificate issued under Subsection (3)(a) to the state auditor;
4034 and

4035 (c) send to the initiating body a copy of the certificate issued under Subsection (3)(a)
4036 and a statement indicating completion of Subsection (3)(b).

4037 (4) Within ten days after receiving a notice of entity consolidation, the lieutenant
4038 governor shall:

4039 (a) issue a certificate of entity consolidation;

4040 (b) (i) send a copy of the certificate issued under Subsection (4)(a) and a copy of the
4041 notice of entity consolidation to the State Tax Commission, AGRC, county recorder, county
4042 surveyor, county auditor, and county attorney; and

4043 (ii) send a copy of the certificate issued under Subsection (4)(a) to the state auditor;
4044 and

4045 (c) send to the initiating body and the entities being consolidated, if different from the
4046 initiating body, a copy of the certificate issued under Subsection (4)(a) and a statement
4047 indicating completion of Subsection (4)(b).

4048 (5) Within ten days after receiving a notice of entity division, the lieutenant governor
4049 shall:

4050 (a) issue a certificate of entity division;

4051 (b) (i) send a copy of the certificate issued under Subsection (5)(a) and a copy of the
4052 notice of entity consolidation, including the accompanying map or legal description, to the
4053 State Tax Commission, AGRC, county recorder, county surveyor, county auditor, and county
4054 attorney; and

4055 (ii) send a copy of the certificate issued under Subsection (5)(a) to the state auditor;

4056 and

4057 (c) send to the initiating body a copy of the certificate issued under Subsection (5)(a)
4058 and a statement indicating completion of Subsection (5)(b).

4059 (6) Within ten days after receiving a notice of entity dissolution, the lieutenant
4060 governor shall:

4061 (a) issue a certificate of entity dissolution;

4062 (b) (i) send a copy of the certificate issued under Subsection (6)(a) and a copy of the
4063 notice of entity dissolution to the State Tax Commission, AGRC, county recorder, county
4064 surveyor, county auditor, and county attorney; and

4065 (ii) send a copy of the certificate issued under Subsection (6)(a) to the state auditor;
4066 and

4067 (c) send to the initiating body and the entity being dissolved, if different than the
4068 initiating body, a copy of the certificate issued under Subsection (6)(a) and a statement
4069 indicating completion of Subsection (6)(b).

4070 (7) Within ten days after receiving a notice of entity boundary change, the lieutenant
4071 governor shall:

4072 (a) issue a certificate of entity boundary change;

4073 (b) send a copy of the certificate issued under Subsection (7)(a) and a copy of the
4074 notice of entity boundary change, including the accompanying map or legal description, to the
4075 State Tax Commission, AGRC, county recorder, county surveyor, county auditor, and county
4076 attorney; and

4077 (c) send to the initiating body or bodies, and each entity whose boundary is changed, if
4078 different than the initiating body, a copy of the certificate issued under Subsection (7)(a) and a
4079 statement indicating completion of Subsection (7)(b).

4080 (8) (a) The lieutenant governor shall keep, index, maintain, and make available to the
4081 public certificates, notices, maps, and other documents necessary in performing the duties of
4082 Subsections (2) through (7).

4083 (b) The lieutenant governor shall furnish a certified copy of documents to any person
4084 who requests a certified copy.

4085 (c) The lieutenant governor may charge a reasonable fee for copies of documents or
4086 certified copies of documents.

- 4087 Section ~~H~~→ [122] 123 ←~~H~~ . Repealer.
- 4088 This bill repeals:
- 4089 Section **17B-4-404, Limit on size of project area in certain project area plans.**
- 4090 Section **17B-4-601, Additional procedure for adopting a redevelopment project**
- 4091 **area plan.**
- 4092 Section **17B-4-901, Property owner and tenant opportunities to participate in**
- 4093 **redevelopment project -- Preferential opportunities.**
- 4094 Section **17B-4-902, Statement of rights of owners of property in redevelopment**
- 4095 **project area.**
- 4096 Section **17B-4-1101, Use of eminent domain prohibited.**
- 4097 Section **17B-4-1104, Limitation on acquisition of property with existing building.**

Fiscal Note
Bill Number SB0196S02

Revisions to Redevelopment Agency Provisions

23-Feb-06

6:08 PM

State Impact

Passage of this bill would have no impact on state revenues.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst